

THE
LAWS OF JAMAICA;

Passed in the THIRTY-EIGHTH and THIRTY-NINTH Years of the Reign of
KING GEORGE THE THIRD.

Published under the Direction of Commissioners appointed for that purpose by 30 Geo. III.
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ST. JAGO DE LA VEGA, JAMAICA:
PRINTED BY ALEXANDER AIKMAN,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.
M.DCC.XCIX.

THE
LAWS OF JAMAICA.

Passed in the Thirty-Eighth and Thirty-Ninth Years of the Reign of

KING GEORGE THE THIRD.

Printed in the Office of the Secretary of the Treasury, at the Strand, in the City of London, by J. DODD, Printer, in the Year 1794.

PRINTED BY ALEXANDER AICKMAN,
AT THE SIGN OF THE LION, IN THE CITY OF LONDON.

T A B L E

OF THE

Public and Private Acts;

CONTAINING

The TITLES of those passed in the thirty-eighth and thirty-ninth Years of the Reign of GEORGE III.

PUBLIC ACTS.

Anno 38 Georgii III.—1798.

28. **A**N ACT for raising three companies of woodmen, to be employed internally, for the defence of this island; and for other purposes.
29. An act for authorizing his honour the lieutenant-governor, or the governor or commander in chief for the time being, to employ the maroon negroes of Accompong-Town, for the internal defence and security of this island.
30. An act to ascertain the pay of persons that have been employed, or shall be employed, in the public service.
31. An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases.
32. An act for enforcing the instructions given to all captains or commanding officers, of ships and vessels having let-

ters of marque and reprisals against the enemy; and for other purposes.

33. An act for vesting certain powers in the magistrates of the several parishes of this island, respecting foreign slaves; and for other purposes.

PUBLIC ACTS.

Anno 39 Georgii III.—1798.

1. An act for raising several sums of money, and applying the same to several uses.
2. An act for laying a duty on tonnage, and applying the same to the use of the forts and fortifications; and for regulating the duty of gunpowder payable on tonnage, by virtue of an act entitled, "An act for granting a revenue to his majesty, his heirs and successors, for the support of the government of this island; and for reviving and perpetuating the acts and laws thereof;" and to enable

TABLE OF THE ACTS.

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| <p>enable the receiver-general to import and purchase gunpowder, under certain regulations.</p> <p>3. An act to appoint certain commissioners to inspect the books of the receiver-general, and to settle and adjust the public accounts.</p> <p>4. An act to appoint certain commissioners, for the better carrying into execution the several appropriations made, or to be made, for the use of the buildings belonging to the public, and of the barracks throughout this island.</p> <p>5. An act to authorize and empower the commander in chief for the time being, to cause parties to be raised and fitted out for suppressing any rebellion, and for going in pursuit of, and reducing, runaway slaves, during the continuance of this act.</p> <p>6. An act to enable the right honourable Alexander earl of Balcarres, lieutenant-governor and commander in chief of this island, or the governor or commander in chief for the time being, to issue his majesty's royal proclamation, during the recess of the assembly, prohibiting the exportation of flour and other provisions from this island, for a limited time.</p> <p>7. An act to repeal an act, passed in the year of our Lord one thousand seven hundred and forty-four, entitled, "An act for the more effectual preventing of gaming, and suppression of lotteries;" and for the prevention of gaming and lotteries.</p> <p>8. An act to regulate the carriage of the baggage of the troops stationed, or to be stationed, in this island.</p> <p>9. An act to regulate the fees of the governor's secretary.</p> <p>10. An act for appointing certain commissioners, to purchase lands and buildings in the town of Port-Royal, for</p> | <p>the use of his majesty's naval hospital.</p> <p>11. An act for the further regulation of the police of the town of Falmouth, in the parish of Trelawny; and for empowering the justices and vestry of the said parish to establish market-places in the said town.</p> <p>12. An act for ascertaining, assessing, and collecting, a tax on transient traders, in the town of Falmouth.</p> <p>13. An act to authorize and empower the justices and vestry of the several parishes in this island to make and erect pounds, for the better securing of all strays of horses, mares, mules, asses, and horned cattle, belonging to the inhabitants of this island.</p> <p>14. An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security; and for other purposes.</p> <p>15. An act for laying a duty on all wines, and upon brandy, gin, rum, and other distilled spirits, retailed within this island; and for laying a further tax on licenses to be granted for the retailing of brandy, gin, rum, and other distilled spirits; and on the public offices; and for applying the same to several uses.</p> <p>16. An act for raising a tax on land within this island, and applying the same to the public service.</p> <p>17. An act for continuing so much of the present law, commonly called the Poll-Tax Law, as relates to the tax on trades, supercargoes, and masters of vessels, for three months longer.</p> <p>18. An act for continuing an act, commonly</p> |
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TABLE OF THE ACTS.

monly called the Deficiency Law, for a certain time longer.

19. An act for the more speedy and effectual collection of the public taxes, and the arrears thereof.
20. An act for establishing and declaring rules and articles of war.
21. An act to repeal an act, passed in the year one thousand seven hundred and forty-four, entitled, "An act to regulate the selling of gunpowder, and to prevent the selling of fire-arms to slaves;" and to prevent the improper use of gunpowder and fire-arms.
22. An act to ascertain who shall be deemed duly qualified to vote, for choosing churchwardens and vestrymen of the several parishes of this island; to protect freeholders on the days of holding such elections, and magistrates, vestrymen, and clerks of the vestry, on the days appointed for parochial business; and to regulate certain other parochial proceedings.
23. An act for continuing an act entitled, "An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases;" for a certain time longer.
24. An act to amend an act entitled, "An act to regulate wharfage and storage," so far as the said act relates to the public wharves in the county of Cornwall.
25. An act for appointing certain commissioners to purchase lands in the town of Kingston, for the extending and improving of a certain street in the said town, called Harbour-street.
26. An act for assessing a toll or duty on certain carriages, therein described, passing over the bridge built across Black-River Bay, in the parish of St. Elizabeth, for the keeping in sufficient repair the said bridge.

1799.

27. An act for raising a tax by the poll, and on trades, supercargoes, and masters of vessels, and on offices and houses, and on certain wheel-carriages; and applying the same to several uses.
28. An act to oblige the several inhabitants of this island, to provide themselves with a sufficient number of white men, white women, or white children, or pay certain sums of money in case they shall be deficient; and applying the same to several uses.
29. An act to prevent any intercourse and communication between the slaves of this island, and foreign slaves of a certain description; and for other purposes.
30. An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases.
31. An act to amend an act, entitled, "An act for laying a duty on all negro slaves, that shall be imported into this island from the coast of Africa, who shall be above a certain age; and for regulating the manner of ascertaining such age."
32. An act for annulling so much of an act of this island, of the twenty-first of George the second, chapter the sixth, as gives power to the bishop of London to exercise ordinary jurisdiction in this island, as far as the same appertains to the ecclesiastical regimen of the clergy only; and for repealing the eleventh clause of one other act of this island, of the thirty-third of Charles the second, chapter the eighteenth.
33. An act to repeal two several acts, one passed on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-six, entitled, "An act to enable certain commissioners therein named, to raise several sums of money

TABLE OF THE ACTS.

money for the public service; and for other purposes; and the other passed the twenty-first day of December, in the said year one thousand seven hundred and ninety-six, entitled, "An act to alter and amend an act entitled, 'An act to enable certain commissioners therein named, to raise several sums of money for the public service; and for other purposes;' and to enable certain commissioners therein named, to raise certain sums of money for the public service, at an interest not exceeding eight pounds *per centum*, in order to pay off and discharge the public certificates, now due and outstanding, bearing interest at ten pounds *per centum*."

34. An act to repeal part of an act entitled, "An act for making Kingston a parish;" and for ascertaining and fixing the boundaries of the said parish of Kingston, and for granting compensation to the parish of St. Andrew.

35. An act to rescind, and make void in law, the meaning, force, and construction, of certain words contained in the second [*first*] clause of an act, passed in one thousand seven hundred and ninety-eight, entitled, "An act to amend an act entitled, 'An act to regulate wharfage and storage,' so far as the said act relates to the public wharves in the county of Cornwall."

36. An act to repeal an act entitled, "An act for raising three companies of woodmen, to be employed internally, for the defence of this island; and for other purposes."

PRIVATE ACT.

Anno 39 Georgii III.

An act empowering Patrick Spence to sell certain lands in the parish of Hanover, and invest the purchase-money in security, for the benefit of his infant children.

CAP. XXVIII.

An act for raising three companies of woodmen, to be employed internally, for the defence of this island; and for other purposes.—[23d June, 1798.]

WHEREAS, it is found necessary and expedient that three companies of woodmen, to be composed of Indians, free persons of colour, or trusty free negroes of the best description; should be raised, and to be employed for the purposes of internal operation and defence, in crushing the daring insurrection of some slaves in the leeward parishes: We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That his honour the lieutenant-governor, or the governor or commander in chief of this island for the time being, shall be, and he is hereby, authorized and empowered to raise, or cause to be raised, three companies of woodmen, under white officers, each company to be composed of seventy Indians, free persons of colour, or trusty free negroes of the best description; three of whom to be sergeants, three corporals, one hornman, one drummer, one fifer, and sixty-one privates; and to be under the command, charge, and care of the following appointment of officers, (which appointments respectively shall be, by commission or warrant under the hand and seal of his honour the lieutenant-governor, or the governor or commander in chief of this island for the time being; and which commissions or warrants shall not be subject to, or chargeable with, any stamp or other duty imposed by any law of this island); viz. One captain, two lieutenants, one quartermaster (to be charged with the detail of the company, giving security, to be approved of by the commissioners of public accounts, for the faithful discharge of his duty, such security to be by bond, in the penal sum of one thousand pounds, and to be recorded in the secretary's office); such quartermaster to act also as deputy judge-advocate, and to have the rank and pay of lieutenant; and of one surgeon with the rank and pay of lieutenant.

II. And it is hereby enacted, That there shall be paid, by the receiver-general for the time being, out of any monies in his hands unappropriated, the sum of thirty-two pounds ten shillings to the quartermaster, for each Indian, free person of colour, or free negro, who shall be raised in virtue of this act, at the time of enlistment, as and for bounty-money; and that the officers and men composing such companies shall, during the time they shall be employed in such service, be allowed pay at the following rates; viz. Each captain one pound twelve shillings and six pence *per diem*; each lieutenant,

Preamble.

Commander in chief empowered to raise three companies of woodmen.

Their establishment.

Bounty-money to privates at enlistment.

Pay of officers and privates;

to be paid
monthly in
cash by re-
ceiver-gene-
ral.

nant, quartermaster, and surgeon, fifteen shillings *per diem*; each sergeant ten shillings *per diem*; each corporal, hornman, drummer, and fifer, six shillings and eight pence *per diem*; and each private five shillings *per diem*; such allowances or pay as aforesaid to be paid in cash, into the hands of the quartermaster of each company, once in every month, by the receiver-general for the time being, out of any monies in his hands unappropriated; and the said quartermaster shall thereupon immediately pay, unto each commissioned officer in the company to which he belongs, his share and proportion thereof; and to each non-commissioned officer and private his proportion, at such times as to the captain of the said company shall appear best calculated, to answer the occasions and necessities of such non-commissioned officers and privates, and as by the said captain shall be directed.

Commander
in chief may
direct how
they shall be
subsidized and
clothed.

III. And it is hereby enacted, That the non-commissioned officers and privates of the said companies shall be subsidized and clothed, in such manner as the commander in chief may think fit.

Woodmen to
be embodied
during the
present re-
bellion, and
longer if ne-
cessary.

Proviso.

IV. And be it enacted, That the said companies, so to be raised and formed, shall be under the command of the governor or commander in chief for the time being, and shall be and continue embodied during the present existing rebellion of slaves in the leeward parishes, and no longer; unless any other commotions, of danger to the internal peace and tranquillity of the country, should render a longer continuance of their services necessary: Provided nevertheless, That when the said companies shall be disbanded, they shall be allowed and paid six months pay from the period of their discharge.

To be em-
ployed in the
interior of the
island, and be
subject to the
rules and ar-
ticles of war.

Courts-mar-
tial.

V. And it is hereby enacted, That the said three companies shall be employed in the interior parts of this island, for the defence thereof, and that the officers, non-commissioned officers, privates, and others, of the said companies, shall be subject to the same rules, articles, and discipline of war, to which his majesty's regular troops are or shall be subject, or to such other regulations as the legislature of this island may deem proper to establish; and that courts-martial for the trial of any offences, to be committed by any of the officers and men of the said companies, shall consist and be composed of such officers of the regulars and militia, as the commander in chief, or the general officer on the staff commanding in the district, shall appoint.

Board of
works to erect
block-houses,
&c. for them.

VI. And be it enacted by the authority aforesaid, That the commissioners of the board of works for the time being shall be, and they are hereby, authorized and empowered to cause to be erected and built, block-houses and offices, and apartments for the officers of the said three companies, in any of the interior parts of this island that the governor or commander in chief may direct and appoint, and to grant their order or orders on the receiver-general, for all expences attending the same; provided that such expences

pences shall not exceed the sum of one thousand five hundred pounds.

VII. And be it enacted by the authority aforesaid, That in case any Indian, free person of colour, or free negro, to be enrolled in the said companies, shall in any action be disabled or killed, each person so disabled, or the family of each so killed, shall be entitled to the same provision, subject to the same conditions, as is allowed to free persons of colour and free negroes, and their families, by an act of this island, passed on the twenty-second day of December, one thousand seven hundred and ninety-five, entitled, *An act to make provision for the families of such free people of colour, and of free negroes, enrolled in the militia, as shall be killed or disabled in the public service.*

Families of such as are killed, entitled to provision as in

36 Geo. III. cap. 15.

VIII. And whereas, for want of proper regulations, great inconveniencies may be experienced by the militia, by his majesty's regular forces quartered in this island, and by parties sent out under the authority of any law of this island, when on march or actual service against an enemy: Be it further enacted by the authority aforesaid, That certain commissioners shall be appointed in every parish of this island, to collect and procure provisions, and to hire or to press slaves, horses, carts, wains, wherries, vessels, and boats, cattle and mules, in the manner herein-after mentioned; and that such commissioners shall consist of the following persons, in the parishes respectively; that is to say, the members of the assembly for the time being, the custos or senior magistrate for the time being, and the churchwardens for the time being.

Commissioners appointed to make provision for parties on actual service.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any two or more of them, are hereby authorized and empowered to contract with any butcher or butchers for fresh beef, and with any other person or persons whatsoever for all such other articles, as shall be necessary for the comfortable subsistence and accommodation of the militia, of the regular troops, and of parties to be sent out under the authority of any law of this island, when on actual service against an enemy; and that, in case the said commissioners shall find it impracticable to provide by contract for the militia, the regulars, and the parties aforesaid, when so employed, they, or any two of them, are by this act empowered to press cattle, and other provisions or matters, for the accommodation of the militia, the regulars, and such parties as aforesaid, when on actual service against an enemy: Provided, That nothing herein contained, shall anywise defeat or interfere with any contract entered into, or to be entered into, for the subsistence of his majesty's troops quartered in this island; and it is hereby required of the said commissioners, to attest under their hands all accounts and demands, which may accrue under the authorities vested in them by this act, in order that the same may be presented to, or laid before, the assembly of this island, and payment provided for accordingly.

Two of them may contract for fresh beef, &c.

and if they cannot contract, may impress cattle, &c.

Proviso.

No interference with army contract.

Accounts to be attested by the commissioners.

Accounts already accrued to be audited by commissioners of accounts, and certificates granted for them.

No allowance to be made to estates for grass, corn, &c.

Rations to be allowed in future, only to detachments on actual service. Charges of particular guards to be defrayed by the properties.

Orders of general officers on the staff to be obeyed in their districts.

Expence of clothing to be deducted from the pay.

X. And whereas many accounts, charges, and demands, have accrued against the public of this island, in consequence of the measures which have been adopted for reducing several runaway slaves, who have associated themselves in the leeward part of this island for rebellious purposes, and which it is just and fit should be liquidated and settled: Be it enacted by the authority aforesaid, That the commissioners appointed by law, for stating and settling the public accounts, shall be, and they are hereby, authorized and empowered to audit all such accounts, charges, and demands, which shall have so accrued at the time of the passing of this act, and which shall be presented to or laid before them, at any time previous to the next meeting of the assembly, and to grant certificates, bearing interest, at and after the rate of six pounds *per centum per annum*, signed by any two of the said commissioners last mentioned, and counter-signed by the receiver-general, for the respective sums for which the same shall be passed; and which said certificates shall be taken in payment of all public duties and taxes whatever, the revenue duties excepted: Provided, That the said commissioners last mentioned, shall not make allowance for any charges for, or in respect of grass, provisions, corn, or lodging-money for quarters, to be made by any person or persons, on whose estates or properties any detachments of troops have been quartered.

XI. And be it enacted by the authority aforesaid, That, in future, no rations shall be allowed to any detachments of the regulars, and the militia, but such as shall be employed in actual service, against invading or intestine enemies; and that when detachments of troops shall be applied for, for the protection or defence of any particular estate or property, all the charges and expences to be incurred thereby shall be borne and defrayed by such estate or property.

XII. And be it further enacted by the authority aforesaid, That all orders and commands which shall or may be given, in respect to military arrangements, regulations, or purposes, by any officer acting as a general officer on the staff, by commission under the hand and seal, or by the appointment, of the commander in chief (and which commission is hereby exempted from any stamp or other duty) shall be obeyed and complied with, according to the exigency thereof, by all persons subject and liable to military command and subordination, within the district wherein such general officer shall be appointed to command.

XIII. And be it further enacted by the authority aforesaid, That the expences for clothing the three companies of woodmen, to be raised under and by virtue of this act, shall be deducted from the pay of the sergeants, corporals, and privates, of the said companies.

C A P. XXIX.

An act for authorizing his honour the lieutenant-governor, or the governor or commander in chief for the time being, to employ the maroon negroes of Accompong-Town, for the internal defence and security of this island.

[23d June, 1798.]

WH^{EREAS}, by an act of this island, passed on the eighth day of December last, entitled, *An act to repeal an act, passed in the year one thousand seven hundred and forty-four, entitled, "An act to regulate the selling of gunpowder; and to prevent the selling of fire-arms to slaves;" and to prevent the improper use of gunpowder and fire-arms,* it is prohibited to put into the hands or possession of any maroon, negro slave, or other slave, any gunpowder, gun or guns, pistol or pistols, or other fire-arms of any description, under any pretence whatever: And whereas, several runaway slaves have lately associated themselves in the leeward part of this island, for rebellious purposes, and have committed several depredations; and it being judged expedient to employ, in the reduction of such slaves, the maroon negroes of Accompong-Town, who have ever remained faithful, and have, on many occasions, evinced their attachment to the government of this island: Wherefore, We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of the said island, and it is hereby enacted and ordained by the authority of the same, That, for and notwithstanding any thing contained to the contrary in the said recited act, it shall and may be lawful to and for his honour the lieutenant-governor, or the governor or commander in chief of this island for the time being, and he is hereby authorized and empowered, to employ the maroon negroes of Accompong-Town, in such manner as he may judge necessary and proper, for the internal defence and security of this island.

Preamble.

38 Geo. III.
cap. 11.

Substance of
clauses 6 & 7
of the above
act recited.

Notwith-
standing
which, gover-
nor may em-
ploy the Ac-
compong
maroons, for
internal de-
fence.

C A P. XXX.

An act to ascertain the pay of persons that have been employed, or shall be employed, in the public service.

[23d June, 1798.]

WH^{EREAS} it is proper, that persons employed in the public service, under the party law, be paid in the same manner as such persons as are employed under an act entitled, "*An act in aid of the party law now in force, for the purpose of authorizing and empowering the com-*

Preamble.

38 Geo. III.
cap. 22.

mander

Parties fitted
out under 34
Geo. III. cap.
7, to be paid
as those un-
der 38 Geo.
III. cap. 22.

mander in chief for the time being, to raise and fit out parties, to go in pursuit of runaway slaves :” Wherefore, We, your majesty’s dutiful and loyal subjects, the assembly of Jamaica, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty’s said island, and it is hereby enacted and ordained by the authority of the same, That all persons that have been, and shall hereafter be, employed in the public service, under the party law, shall be paid in the same manner as such persons as are employed under the said act entitled, *An act in aid of the party law now in force, for the purpose of authorizing and empowering the commander in chief for the time being, to raise and fit out parties, to go in pursuit of runaway slaves.*

Compensa-
tion for slaves
killed or dis-
abled, to be
ascertained
by three ma-
gistrates.

II. And be it further enacted, That the compensation for any slave that may lose his life, or be disabled, in the service of the public, shall be what the value of the slave may be estimated at, by three magistrates of the parish wherein the owner of such slave shall reside; provided that the sum shall not exceed two hundred pounds.

C A P. XXXI.

An act for establishing regulations respecting persons of a certain description arriving in this island, or resident therein, in certain cases.—In force until 31st December, 1798.—[23d June, 1798.]

C A P. XXXII.

An act for enforcing the instructions given to all captains or commanding officers, of ships and vessels having letters of marque and reprisals against the enemy; and for other purposes.—[23d June, 1798.]

Preamble.

Instructions
respecting
prisoner, gi-
ven to letters
of marque,

contravened.

WHEREAS instructions are given to all captains or commanding officers, of ships and vessels having letters of marque and reprisals against the enemy, by virtue of a commission granted under the great seal of Great-Britain, to send an account of, and deliver over, what prisoners shall be taken on board any prizes, to the commissioners appointed, or to be appointed, for the exchange of prisoners of war, or the persons appointed in the sea-port towns to take charge of prisoners; and that such prisoners be subject only to the orders, regulations, and directions, of the said commissioners; and that no commander or other officer, of any ship or vessel having any letter of marque or reprisal as aforesaid, do presume, upon any pretence whatsoever, to ransom any prisoner: And whereas, contrary to such instructions, divers commanders or other officers of ships and vessels, having letters of marque or reprisals as aforesaid, have presumed

presumed to land prisoners of a certain description, without delivering them over to the commissioners appointed for the exchange of prisoners of war, or to their agent in this island, to the great danger of the peace and security thereof: We, therefore, your majesty's most dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted by the authority of the same, That any commander or other officer, of any ship or vessel having a letter of marque or reprisal as aforesaid, or any other person or persons whatsoever, who shall, from and after the passing of this act, presume to land, or cause to be landed, any person of any description whatever, taken on board any prize or prizes, without delivering over such person or persons to the commissioners appointed, or to be appointed, for the exchange of prisoners of war, or to their agent in this island, shall forfeit the sum of one hundred and fifty pounds, under the award of any two justices of the peace, for every person so landed, and not delivered over as aforesaid; one moiety whereof shall be to the informer, and the other moiety shall be applied towards the support of the government of this island, and the contingent charges thereof.

All prisoners taken in prizes, to be delivered to the agent for prisoners of war, under penalty.

II. And be it enacted by the authority aforesaid, That it shall and may be lawful for any person whatsoever to apprehend, or cause to be apprehended, as well any prisoner of war not having a certificate of his or her having given their parole; as any such person or persons so landed as aforesaid, and to take him or her before any magistrate of the parish where such person or persons may be apprehended; who is hereby authorized and enjoined to send such person or persons to the common gaol.

Prisoners of war, without parole, may be apprehended and sent to gaol.

III. And be it enacted by the authority aforesaid, That the keeper of the said gaol shall receive into his custody, the body or bodies of such person or persons so to be sent to his charge; and as soon as may be afterwards, cause the same to be made known to the commissioners appointed, or to be appointed, for the exchange of prisoners of war, or to their agent in this island, to whom only, or to such person as may by the said commissioners, or their said agent, be directed to receive them, such person or persons shall be delivered, and to no other person whatsoever, under a penalty of two hundred pounds, and three months imprisonment, on any gaol-keeper offending herein, to be awarded by the judges of the supreme court, or either of the courts of assize, wherein the same shall be complained of.

Gaol-keepers to receive them, and deliver them over to agent for prisoners, under penalty.

IV. And be it further enacted by the authority aforesaid, That whenever any negro, mulatto, or other person of colour, so taken as aforesaid, shall be sentenced to be sold by any decretal order, or otherwise, of the court of vice-admiralty of this island, it shall not be lawful to sell such persons otherwise than for exportation.

Negroes, &c. sold under decree of vice-admiralty court, must be exported.

V. And

and must remain in custody until exported.

Bond to that effect, to be given by the purchaser.

Purchaser to make oath of his intention to transport such negro, &c.

who shall not be re-landed.

Such negro, &c. found in the island after exportation, to be forfeited and re-sold, under the same regulations as above.

Commission and fee of the agent for prisoners.

V. And be it further enacted by the authority aforesaid, That any such negro, mulatto, or person of colour, so sold as aforesaid; shall, notwithstanding such sale, remain in the custody of the commissioners appointed for the exchange of prisoners of war, or their agent in this island, until the purchaser of any such negro, mulatto, or person of colour, shall enter into bond, with sufficient security, to our sovereign lord the king; under the penalty of five hundred pounds, for every negro, mulatto, or person of colour, so purchased; that every such negro, mulatto, or person of colour, shall be exported within thirty days after the date of such bond, and shall, in the mean time, be kept in close confinement on board the ship or vessel in which such negro, mulatto, or person of colour, is intended to be exported; which bond shall be taken by the said commissioners, or their agent, and for which they or he shall receive, from the party entering into the same, all expences incidental thereto.

VI. And be it further enacted, That every such purchaser, of every such negro, mulatto, or person of colour, so sold as aforesaid, shall, at the time of executing such bond as aforesaid, make oath before the said commissioners, or their agent or his deputy, either of whom are hereby authorized and required to administer the same, that every such negro, mulatto, or person of colour, so purchased by him, shall be transported to (death and dangers of the seas excepted); and that the said negro, mulatto, or person of colour, so purchased, shall not, with his knowledge, privity, or consent, be re-landed on this island.

VII. And be it further enacted by the authority aforesaid, That if any such negro, mulatto, or other person of colour, so sold for exportation, shall, at any time after such exportation as aforesaid, be found within this island, such person shall become forfeited to the crown; and, upon being apprehended, be re-sold for transportation by the said commissioners, or their agent; and the said commissioners appointed for the exchange of prisoners of war, or their said agent, shall not, under a penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers, any such negro, mulatto, or other person of colour, until such bond is entered into; and oath taken as aforesaid; such penalty to be recoverable by action of debt, bill, plaint, or information, in the supreme court of judicature of this island; one moiety thereof to the informer or person suing for the same; and the other moiety for and towards the support of the government of this island, and the contingent charges thereof.

VIII. And be it enacted by the authority aforesaid, That the commissioners appointed for the exchange of prisoners of war, or their agent in this island, shall, and they or he are and is hereby authorized and empowered to charge and to receive, from the purchaser of such negro, mulatto, or person of colour, a commission, at and after the rate of five pounds per centum, on the

the amount of the sales of all such negroes, mulattoes, or persons of colour, who may be sold for exportation, under the provisions in this act contained; and that it shall and may be lawful for the said commissioners, or their agent in this island, to ask, demand, take, and receive, a fee of five shillings, for their or his trouble in receiving into their or his charge, such prisoners as shall be taken on board each prize: ~~Provided always nevertheless,~~ That nothing herein contained shall extend to vessels from the coast of Africa.

Proviso.

IX. And whereas much danger is to be apprehended, from negroes, mulattoes, and persons of colour, who have been taken and sold as aforesaid, going at large in several parts of this island: ~~Be it enacted by the authority aforesaid,~~ That it shall and may be lawful for any person or persons whatsoever, to apprehend, or cause to be apprehended, any such negro, mulatto, or person of colour, and him or her to deliver over to the commissioners appointed for the exchange of prisoners of war, or to their agent in this island; who are hereby directed and required, under a penalty of one hundred and fifty pounds, to confine such negro, mulatto, or person of colour, with the prisoners of war; and the proprietor or proprietors of such negroes, mulattoes, or persons of colour, so apprehended, are hereby required, under a penalty of two hundred pounds, to enter into security, such as shall be approved of by any two magistrates, to cause each such negro, mulatto, or other person of colour, to be exported within thirty days, and not to be re-landed within this island; and in case any such negro, mulatto, or person of colour, so exported, shall, at any time thereafter, be found within this island, such negro, mulatto, or person of colour, shall become forfeited to the crown, and be re-sold for exportation, as is herein-before directed in respect to persons of that description, who may be sentenced to be sold by any decretal order of the court of vice-admiralty, or otherwise.

Such negroes, &c. going at large, may be apprehended and delivered to the agent, who must confine them;

and their owners must give security to export them in thirty days; and if re-landed, to be dealt with as above.

X. And be it enacted by the authority aforesaid, That all such negroes, mulattoes, or persons of colour, who shall previous to exportation be confined with the prisoners of war, shall be victualled at the same rate of such prisoners, the expence whereof shall be borne by the captors of such negroes, mulattoes, or persons of colour.

Prisoners of colour to be subsisted at the expence of the captors.

XI. And be it further enacted by the authority aforesaid, That the several gaol-keepers within this island shall, and they are hereby respectively required, forthwith to deliver over to the commissioners appointed for the exchange of prisoners of war, or to their agent in this island, all such herein-before described negroes, mulattoes, or persons of colour, as shall be in their custody, under the penalty of two hundred pounds for each such negro, mulatto, or person of colour, which any such gaol-keeper may refuse or neglect so to deliver; the said penalty to be recoverable, in a summary manner, before any two justices of the peace, in and for the parish, precinct, or district, wherein the offending gaol-keeper shall officiate in his said capacity.

Gaol-keepers to deliver over all such negroes in their custody to the agent for prisoners, under penalty.

At conclusion of the war negroes, &c. in custody of the agent, may be sold to defray their subsistence, if the captors refuse to repay it.

XII. And be it further enacted by the authority aforesaid, That in case it shall so happen that, at the conclusion of the war, there shall remain in the custody of the commissioners appointed for the care and custody of prisoners of war, or of their agent in this island, any negroes, mulattoes, or other persons of colour, and the captors shall refuse or neglect to re-pay their subsistence, it shall and may be lawful to and for the said commissioners, or their agent, to sell and dispose of such negroes, mulattoes, or other persons of colour, for exportation; and the overplus, if any, to be paid over to such captors.

Expence of subsisting negroes, &c. delivered to captors at expiration of 37 Geo. III. cap. 27, recoverable at law.

XIII. And be it enacted by the authority aforesaid, That all monies which shall have been advanced and paid by the said commissioners, or their agent in this island, for the subsistence of any such negroes, mulattoes, or persons of colour, who shall have been delivered over to the captors, or their agents, at the expiration of the act entitled, *An act for enforcing the instructions given to all captains or commanding officers, of ships and vessels having letters of marque and reprisals against the enemy*, shall be recoverable at law by the said commissioners, or their said agent.

Captors to give notice in Royal Gazette of prize negro sales.

XIV. And be it enacted by the authority aforesaid, That the captors, or their agents, shall, under a penalty of one hundred pounds for each offence, cause public notice to be given in the Royal Gazette, for two weeks, previous to any sale being had and made, of the number of such negroes, mulattoes, or persons of colour, intended to be sold.

Penalties may be recovered in a summary manner.

XV. And be it enacted by the authority aforesaid, That all penalties herein mentioned, and not declared how the same shall be recovered, shall be recoverable, in a summary manner, before any two justices of the peace for the parish or precinct, wherein the person becoming liable to such penalty shall or may reside, and which justices, in all cases of forfeiture and penalty under the authority of this act, and where the same is made recoverable before them, are hereby authorized and required, immediately after their judgment given in the premises, to enforce the payment thereof, by a warrant of distress on the goods and chattels of the offender, under their hands and seals, directed to any constable of the parish or precinct; and which said constable is hereby authorized and required, to proceed to sale of the goods and chattels whereon he may levy or distrain, within such time as may be appointed by the said justices; and from and out of the amount of the sale retain to himself, a commission of ten pounds *per centum*, for his trouble therein; and that all forfeitures and penalties, the application whereof is not herein expressed, shall be one moiety to the person informing, and the other moiety for and towards the support of the government of this island, and the contingent charges thereof.

Constable's commission.

Application of penalties.

XVI. And

XVI. And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the passing thereof, until the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and no longer.

This act in
force until
31st Decem-
ber, 1799.

C A P. XXXIII.

An act for vesting certain powers in the magistrates of the several parishes of this island, respecting foreign slaves; and for other purposes.—In force until 31st December 1798.—[23d June, 1798.]

EXPIRED.

THE
LAWS OF JAMAICA.

Anno regni Georgii tertii tricesimo nono.

C A P. I.

An act for raising several sums of money, and applying the same to several uses. ANNUAL.
In force until 31st December, 1799.—[12th December, 1798.]

C A P. II.

An act for laying a duty on tonnage, and applying the same to the use of the forts and fortifications; and for regulating the duty of gunpowder payable on tonnage, by virtue of an act entitled, "An act for granting a revenue to his majesty, his heirs and successors, for the support of the government of this island; and for reviving and perpetuating the acts and laws thereof;" and to enable the receiver-general to import and purchase gunpowder, under certain regulations.— ANNUAL.
In force until 31st December, 1799.—[12th December, 1798.]

C A P. III.

An act to appoint certain commissioners to inspect the books of the receiver-general, and to settle and adjust the public accounts.— ANNUAL.
In force until 31st December, 1799.—[12th December, 1798.]

C A P. IV.

An act to appoint certain commissioners, for the better carrying into execution the several appropriations made, or to be made, for the use of the buildings belonging to the public, and of the barracks throughout this island.— ANNUAL.
In force until 31st December, 1799.—[12th December, 1798.]

C A P. V.

An act to authorize and empower the commander in chief for the time being, to cause parties to be raised and fitted out, for suppressing any rebellion, and for going in pursuit of, and reducing, runaway slaves, during the continuance of this act.— [12th December, 1798.]

WH E R E A S the public peace and safety of this island requires, Preamble,
that sufficient power and authority should be vested in the governor, lieutenant-governor, or commander in chief, to cause parties to be raised, for the immediate suppression of rebellions or rebellious conspiracies,

Governor authorized, on application, to order out parties of militia in pursuit of rebellious or runaway slaves.

conspiracies, or any dangerous assemblage of runaway slaves, without declaring martial law, which cannot be declared without many and great inconveniencies to this island in general, and ought not to be declared, but in cases of the most urgent necessity: We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, it may and shall be lawful for the governor, lieutenant-governor, or commander in chief, of this island for the time being, and he is hereby authorized and empowered, whenever, from application made, or information received, he shall judge the same to be expedient and necessary, to order and direct the commanding officer of any regiment or battalion of militia in this island, to raise and fit out such and so many parties, composed of persons serving in the militia, of the parish or precinct wherein such officer shall command, as the said commander in chief shall think requisite, and appoint, for the suppression of any rebellion or rebellious conspiracy, or the taking and bringing in, or destroying, any such runaway slaves as may be assembled, or supposed to be assembled, within, or in the neighbourhood of, such parish; which party or parties shall be well and sufficiently provided, with good arms, accoutrements, and ammunition, such as the officers commanding the respective parties shall approve of.

When the exigency of the case requires it, those parties may be drawn from different adjoining parishes.

II. And be it further enacted by the authority aforesaid, That in case the rebellion shall, at any time, be so extensive, or the assemblage or assemblages of runaway slaves be so numerous, that the governor, lieutenant-governor, or commander in chief, shall judge that the parties which may or can be raised and fitted out, in any one parish, will not be sufficient and able to suppress such rebellion, or to reduce such runaway slaves, it may and shall be lawful for such governor, lieutenant-governor, or commander in chief, to direct and order the commanding officers of the regiments or battalions of militia, of such and so many of the parishes adjoining to that, wherein the rebellion shall exist, or such runaway slaves be assembled, as he shall think proper; also to raise and fit out such and so many parties, in the manner aforesaid, as the public exigency shall appear to him to require.

During rebellion, drafts may be ordered from the militia in general.

III. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the governor, lieutenant-governor, or commander in chief for the time being, during the actual existence of any rebellion, or association of runaway or other slaves for rebellious purposes, to order such drafts from any other regiments of horse or foot in this island, to be sent in aid of such parties, so raised and fitted out as aforesaid, as shall be necessary.

IV. And

IV. And be it further enacted by the authority aforesaid, That all such good and able men, of free condition, as shall offer themselves as volunteers, and enlist for the service aforesaid, shall be entitled to, and receive, a bounty, not exceeding the sum of ten pounds each, as shall be regulated by the commander in chief in general orders; to be paid, immediately after the conclusion of such service, by the receiver-general, under the authority of the warrant of the governor, lieutenant-governor, or commander in chief; which he is hereby empowered to grant, upon a certificate being produced to him, sworn to by the officer commanding the party in which such volunteer shall have served, and countersigned by the commanding officer of the regiment or battalion of the parish from whence such party was fitted out, over and above the pay, and other encouragements, by this act herein-after mentioned and declared.

A bounty of 10*l*. to be paid to free volunteers.

V. And whereas, for the more effectually carrying into execution several of the purposes of this act, it is necessary that certain commissioners should be appointed in every parish of this island: Be it enacted by the authority aforesaid, That the members of the assembly for the time being, the custos or senior magistrate, of each and every parish of this island, and any other three persons resident in the parish, to be appointed by the commander in chief for the time being, shall be, and they are hereby, constituted and appointed commissioners for effecting the purposes of this act; and shall have full power and authority, to procure all such necessary provisions, and other requisite articles, for the use of any party or parties, raised and to be sent out as aforesaid, as to the said commissioners shall seem expedient.

Members of assembly, custos, &c. to be commissioners for the purposes of this act.

VI. And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, be hereby authorized and empowered, to contract with any butcher or butchers for fresh beef, and with any other person or persons whatsoever for all such other articles as shall be necessary, for the comfortable subsistence and accommodation of the parties, to be sent out under the authority of this act; and also of any other body of the militia, or regular troops, whenever on actual service against an enemy: And that, in case the said commissioners shall find it impracticable, at any time, to provide by contract for the militia or regulars, or the parties aforesaid, when actually employed, they, or any two of them, are hereby empowered to press cattle, and other provisions or matters, for the accommodation of the militia, and regular troops, and the parties as aforesaid, when on actual service against an enemy: Provided, That nothing herein contained, shall in anywise defeat or interfere with any contract entered into, or to be entered into, for the subsistence of his majesty's troops quartered in this island.

They may contract for fresh beef, &c. for parties;

and may impress cattle, &c. if not to be had by contract.

VII. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the said commissioners, or any two of them, under the order of the commander in chief for the time being, to raise such a number

Commissioners empowered to raise shot and bag-

number

gage negroes,
for parties;

number of negro or other slaves, for arms or baggage, as to them may appear necessary to be sent out with any party, raised and fitted out under the authority of this act: *Provided always*, That the number of slaves which shall be required from the several and respective estates, or individuals, in any parish, or district of a parish, shall be in proportion to the whole number belonging to such estate or individual.

and to press
cattle, carts,
wains, &c. for
the public
service.

VIII. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the said commissioners, or any two of them, at any time when the militia of this island, or any part thereof, or any of his majesty's regular troops, are employed in actual service against an enemy, or any party or parties are raised and actually sent out under the authority of this act, to hire, or, in case that should not be practicable, to press such slaves, horses, mules, draught cattle, carts, wains, or waggons, as the public service shall require, in the manner hereafter directed, and observing the equitable proportion, with respect to properties and individuals, before mentioned.

Notice to be
given to es-
tates, of al-
lotments of
slaves, cattle,
&c.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, shall cause notice to be given, by warrant under their hands and seals, at each estate, or to each individual, in the respective parish, or district of any parish, of the particular proportion of shot and baggage slaves, horses, mules, draught cattle, carts, wains, or waggons, as they are so required to send as aforesaid; and the shewing of the warrant to the master, owner, or any other person who shall have the care or charge of such estates, or of any number of slaves, horses, mules, draught cattle, carts, wains, or waggons, shall be held and taken for sufficient notice.

In case of re-
fusal to fur-
nish allot-
ments, a fine
of 100*l.* to be
imposed;

X. And be it further enacted by the authority aforesaid, That in all cases, where a master, owner, or overseer, or other person entrusted with the care or charge of any plantation or settlement, or of any number of slaves, horses, mules, draught cattle, carts, wains, or waggons, shall, on notice given, refuse or neglect to send the proportion of good and able slaves, or of horses, mules, draught cattle, carts, wains, or waggons, required, such as shall be approved of by the said commissioners, every person, so offending, shall forfeit the sum of one hundred pounds; but if it shall appear, that such default did not happen, through the direction of the master or owner, but by refusal or neglect of the overseer, in such case the overseer, or person entrusted, shall be liable to such penalty.

and, a war-
rant for im-
pressing to be
issued.

XI. And be it further enacted, That, upon every such neglect or refusal as aforesaid, it may and shall be lawful for the said commissioners, or any two of them, to authorize, by warrant under their hands and seals, the impressing and taking the number of good and able slaves, and of serviceable horses, mules, draught cattle, carts, wains, or waggons, which shall have been required as aforesaid: *Provided always*, That no chief boiler, head driver, or tradesman, shall be so impressed.

XII. And

XII. And be it further enacted by the authority aforesaid, That in case, at any time, when the militia of this island, or any part thereof, or any of his majesty's regular troops, shall be actually employed against an enemy, the commissioners aforesaid should find it necessary to employ any wherry, boat, or other vessel, it may and shall be lawful for the said commissioners to hire such wherry, boat, or other vessel; and, in case this shall not be in their power, to authorize, by warrant under their hands and seals, the impressing and taking such wherries, boats, or vessels, which the public service as aforesaid may require.

Commissioners may hire, or, on necessity, impress, boats, wherries, &c. for public service.

XIII. And be it further enacted by the authority aforesaid, That the officer commanding any party, raised and sent out by virtue of this act, be, and he is hereby empowered (provided that, from the shortness of time, or other exigency of the case, he cannot be, or is not, furnished by the commissioners aforesaid, with such carts, wains, waggons, or other carriages, draught cattle, mules, or horses, as the nature of the service may immediately require,) to impress, in the most equitable manner that he can, all such carriages, cattle, mules, and horses, as aforesaid, of which there shall be immediate need: Which commanding officer is hereby required, (under the penalty of one hundred pounds for every neglect or refusal, to be recovered in a summary way, before any justice of the peace of the parish where such impress is made, which penalty shall be to the use of the owner of any such impressed article or articles) to give certificates of the waggons, wains, carts, and other carriages, draught cattle, mules, and horses, by him so impressed, therein expressing the time when they were employed in such service, as also any hurt or accident that may have happened to the same; to the end that the owner thereof may receive reasonable satisfaction: The amount of which hire and damages shall be regulated and ascertained, by any two of the commissioners aforesaid, who shall attest the same under their hands, in the manner hereafter directed.

Officers commanding parties, on exigency, may impress carriages, cattle, &c. giving certificates thereof to the owners;

who are to receive compensation to be ascertained.

XIV. And whereas slaves, serving in such parties as may be fitted out under the authority of this act, may be killed or disabled: Be it enacted by the authority aforesaid, That all and every such slave or slaves, who shall be employed in such parties, shall, previous thereto, be valued and appraised by the said commissioners, or any two persons to be appointed by them, and that such valuation shall not exceed the sum of two hundred pounds: And, in case any slave or slaves shall be killed, the master or owner of such slave or slaves shall receive, for every slave so killed, the sum at which the said slave shall have been valued at; and, in case any such slave or slaves shall be disabled by loss of limb, the master or owner of such slave or slaves shall receive such sum, as shall appear to be the difference in the value of such slave or slaves, at the time of being valued as aforesaid, and upon a re-valuation to be made by the said commissioners, after such slave or slaves shall become so disabled as aforesaid: Which said several sums, the receiver-

Slaves to be valued, and if killed, or disabled, their owners to receive adequate compensation:

gage negroes,
for parties;

number of negro or other slaves, for arms or baggage, as to them may appear necessary to be sent out with any party, raised and fitted out under the authority of this act: *Provided always*, That the number of slaves which shall be required from the several and respective estates, or individuals, in any parish, or district of a parish, shall be in proportion to the whole number belonging to such estate or individual.

and to press
cattle, carts,
wains, &c. for
the public
service.

VIII. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the said commissioners, or any two of them, at any time when the militia of this island, or any part thereof, or any of his majesty's regular troops, are employed in actual service against an enemy, or any party or parties are raised and actually sent out under the authority of this act, to hire, or, in case that should not be practicable, to press such slaves, horses, mules, draught cattle, carts, wains, or waggons, as the public service shall require, in the manner hereafter directed, and observing the equitable proportion, with respect to properties and individuals, before mentioned.

Notice to be
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IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, shall cause notice to be given, by warrant under their hands and seals, at each estate, or to each individual, in the respective parish, or district of any parish, of the particular proportion of shot and baggage slaves, horses, mules, draught cattle, carts, wains, or waggons, as they are so required to send as aforesaid; and the shewing of the warrant to the master, owner, or any other person who shall have the care or charge of such estates, or of any number of slaves, horses, mules, draught cattle, carts, wains, or waggons, shall be held and taken for sufficient notice.

In case of re-
fusal to fur-
nish allot-
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X. And be it further enacted by the authority aforesaid, That in all cases, where a master, owner, or overseer, or other person entrusted with the care or charge of any plantation or settlement, or of any number of slaves, horses, mules, draught cattle, carts, wains, or waggons, shall, on notice given, refuse or neglect to send the proportion of good and able slaves, or of horses, mules, draught cattle, carts, wains, or waggons, required, such as shall be approved of by the said commissioners, every person, so offending, shall forfeit the sum of one hundred pounds; but if it shall appear, that such default did not happen, through the direction of the master or owner, but by refusal or neglect of the overseer, in such case the overseer, or person entrusted, shall be liable to such penalty.

and, a war-
rant for im-
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XI. And be it further enacted, That, upon every such neglect or refusal as aforesaid, it may and shall be lawful for the said commissioners, or any two of them, to authorize, by warrant under their hands and seals, the impressing and taking the number of good and able slaves, and of serviceable horses, mules, draught cattle, carts, wains, or waggons, which shall have been required as aforesaid: *Provided always*, That no chief boiler, head driver, or tradesman, shall be so impressed.

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XII. And be it further enacted by the authority aforesaid, That in case, at any time, when the militia of this island, or any part thereof, or any of his majesty's regular troops, shall be actually employed against an enemy, the commissioners aforesaid should find it necessary to employ any wherry, boat, or other vessel, it may and shall be lawful for the said commissioners to hire such wherry, boat, or other vessel; and, in case this shall not be in their power, to authorize, by warrant under their hands and seals, the impressing and taking such wherries, boats, or vessels, which the public service as aforesaid may require.

Commissioners may hire, or, on necessity, impress, boats, wherries, &c. for public service.

XIII. And be it further enacted by the authority aforesaid, That the officer commanding any party, raised and sent out by virtue of this act, be, and he is hereby empowered (provided that, from the shortness of time, or other exigency of the case, he cannot be, or is not, furnished by the commissioners aforesaid, with such carts, wains, waggons, or other carriages, draught cattle, mules, or horses, as the nature of the service may immediately require,) to impress, in the most equitable manner that he can, all such carriages, cattle, mules, and horses, as aforesaid, of which there shall be immediate need: Which commanding officer is hereby required, (under the penalty of one hundred pounds for every neglect or refusal, to be recovered in a summary way, before any justice of the peace of the parish where such impress is made, which penalty shall be to the use of the owner of any such impressed article or articles) to give certificates of the waggons, wains, carts, and other carriages, draught cattle, mules, and horses, by him so impressed, therein expressing the time when they were employed in such service, as also any hurt or accident that may have happened to the same; to the end that the owner thereof may receive reasonable satisfaction: The amount of which hire and damages shall be regulated and ascertained, by any two of the commissioners aforesaid, who shall attest the same under their hands, in the manner hereafter directed.

Officers commanding parties, on exigency, may impress carriages, cattle, &c. giving certificates thereof to the owners;

who are to receive compensation to be ascertained.

XIV. And whereas slaves, serving in such parties as may be fitted out under the authority of this act, may be killed or disabled: Be it enacted by the authority aforesaid, That all and every such slave or slaves, who shall be employed in such parties, shall, previous thereto, be valued and appraised by the said commissioners, or any two persons to be appointed by them, and that such valuation shall not exceed the sum of two hundred pounds: And, in case any slave or slaves shall be killed, the master or owner of such slave or slaves shall receive, for every slave so killed, the sum at which the said slave shall have been valued at; and, in case any such slave or slaves shall be disabled by loss of limb, the master or owner of such slave or slaves shall receive such sum, as shall appear to be the difference in the value of such slave or slaves, at the time of being valued as aforesaid, and upon a re-valuation to be made by the said commissioners, after such slave or slaves shall become so disabled as aforesaid: Which said several sums, the receiver-

Slaves to be valued, and if killed, or disabled, their owners to receive adequate compensation:

To be paid
by receiver-
general, on
production of
certificate:

If not paid, to
bear interest
from date.

Slaves, &c.
dying in pub-
lic service, to
be paid for.

Provision for
families of
free persons
killed in pub-
lic service.

36 Geo. III.
cap. 15.

Pay of par-
ties.

general for the time being shall, and he is hereby directed and required to, pay out of any monies in his hands unappropriated, unto the master or owner of every such slave or slaves, so killed or disabled as aforesaid, on a certificate being produced to him, under the hand of the commanding or senior officer of the party to which such slave or slaves belonged, that such slave or slaves was or were so killed or disabled, in the party under his command, or of which he was senior officer: And, in case the said receiver-general shall not have in his hands money sufficient to answer such purpose, he is hereby authorized and empowered, to certify on the back of such certificate, that the holder or holders thereof shall be entitled to receive, out of the public treasury of this island, the sum mentioned therein, with interest from the dates thereof respectively, at six pounds *per centum per annum*; and such certificate shall be received in payment of all duties and public taxes whatsoever, the revenue duties excepted: *Provided nevertheless*, That if any slaves, horses, mules, or cattle, die or are lost in the service, and are paid for by the public, in all such cases no hire shall be allowed; and the value of the horses and mules shall be estimated, at a sum not exceeding forty pounds respectively; and for cattle *per head*, at a sum not exceeding thirty pounds.

XV. And be it further enacted by the authority aforesaid, That in case any Indian, free person of colour, or free negro, who shall have enlisted as a volunteer, or have been drafted from the militia, to serve in any party raised and fitted out by virtue of this act, shall in any action be disabled or killed, each person so disabled, or the family of each so killed, shall be entitled to the same provision, subject to the same conditions, as is allowed to free persons of colour and free negroes, by an act of this island, passed on the twenty-second day of December, one thousand seven hundred and ninety-five, entitled, *An act to make provision for the families of such free people of colour, and of free negroes, enrolled in the militia, as shall be killed or disabled in the public service.*

XVI. And be it further enacted by the authority aforesaid, That the commanding officer of every party fitted out under this act, shall have and receive, for his pay, twenty shillings *per day*; each other commissioned officer, fifteen shillings *per day*; each non-commissioned officer, seven shillings and six pence *per day*; each private white man, five shillings *per day*; and each free Indian, mulatto, and negro, five shillings *per day*; and that each slave shot, and baggage negro, shall receive three shillings and four pence *per day*; which pay for slave shot, and baggage slaves, shall be paid to the owner or proprietor, his or her agent or representative, for the hire of every such slave as shall serve in any party as aforesaid.

XVII. And be it enacted, That the respective pay, as aforesaid, to such officers, white men, and others, as shall be raised as aforesaid, or impressed, to

to go out in any party as directed by this act, shall commence from the day on which they shall be actually employed in that service, and continue until they are discharged, and no longer; and shall be paid to the commanding officer of every such party, by the receiver-general, out of any public money in his hands; which said commanding officer is hereby required to distribute the same to the several officers, non-commissioned officers, and men, of such party, at the several rates before declared: *Provided always*, That the commanding officer of every such party shall, before the receipt of such pay as aforesaid, deliver to the receiver-general a muster-roll, upon oath, of the officers and private men, and of the slave shot and baggage-slaves, in actual service under his command, in such party; which said muster-roll, with the commanding officer's receipt thereon, shall be a good and sufficient voucher and authority to the receiver-general, for the payment of the money expressed therein.

Duration of pay,

which is to be paid to commanding officer,

delivering a muster-roll, and receipt.

XVIII. And be it further enacted by the authority aforesaid, That, over and above the pay herein-before allowed to the parties, sent out under the authority of this act, each party shall have and receive the sum of fifteen pounds, and no more, for every rebellious negro, mulatto, or other slave, they shall kill; and the sum of twenty pounds, and no more, for every such rebellious slave as they shall take and bring in alive; and, for every runaway slave above the age of fourteen years, the sum of ten pounds, and no more; and forty shillings for every negro, mulatto, or other boy or girl, under fourteen years of age, which such party shall bring in alive: Which said reward or rewards shall be paid to the commanding officer of such party, by the receiver-general, out of any public money in his hands unappropriated, upon an affidavit of such commanding officer being produced to him, attested in the manner hereafter directed, that the slave or slaves, for the killing or taking of whom he claims such reward or rewards, was or were killed or taken by the party under his command: *Provided always*, That when any party shall kill any rebellious slave, the commanding officer, or any two other officers of such party, shall be obliged, and are hereby directed, to view the body of such slave so killed; and to certify under his or their hand or hands, and on oath, the age, quality, sex, and mark, of such slave which hath been killed, and to produce, personally, all such slaves as have been taken prisoners, to the commissioners, or any two of them, appointed by this act as aforesaid, for the parish from whence such party was sent out; who, in such case, are hereby empowered and directed to attest the affidavit of the commanding officer of such party as aforesaid; and not otherwise.

Rewards to parties, for taking or killing rebellious slaves.

How the fact is to be ascertained.

XIX. And be it further enacted by the authority aforesaid, That in order to prevent any disputes that may arise, about the dividing the reward or rewards aforesaid, the commanding officer of every such party as aforesaid shall be authorized, and he is hereby directed, to distribute one-sixth part

Distribution of such rewards.

of all such rewards, in equal shares, amongst the commissioned officers of such party, and the remaining five parts amongst the non-commissioned officers and privates, and the shot and baggage slaves serving in such party, in the proportion of one-third less to each such shot and baggage slave, than to the said non-commissioned officers and privates (being free men) of such party; which share of the rewards as aforesaid, hereby allotted for shot and baggage slaves, shall be paid to such slaves themselves, for their own private use and particular encouragement, and not to their owners or proprietors.

Rebellious
slaves taken
to be com-
mitted to
gaol.

XX. And be it further enacted by the authority aforesaid, That all slaves, whether rebellious or only runaway, who shall be taken by any party sent out as aforesaid, and brought in alive, by them, to the commissioners appointed as aforesaid by this act, shall be committed by them, or some one of them, to the gaol of the parish for which such commissioners shall be appointed; or, in case there should be no gaol in such parish, to the gaol of the precinct, or of the county, in which such parish shall be situated; and the keeper of such gaol, or the deputy-marshal, shall be, and he is hereby, required, under the penalty of twenty pounds, to receive, and to detain in safe custody, every such rebellious or runaway slave, until such slave shall be delivered by due course of law.

How officers
and privates
of parties are
to be tried.

XXI. And be it further enacted by the authority aforesaid, That all officers and men, serving in any party raised and sent out under the authority of this act, shall be tried for, all crimes and misdemeanors, by them done or committed, while they are employed in such service; viz. All commissioned officers by a general court-martial; and all private men, according to the nature of their offence, by a general or regimental court-martial; to be respectively appointed by commission from the governor, lieutenant-governor, or commander in chief for the time being, according to the rules and articles of war that shall be then in force; any law, custom, or usage, to the contrary notwithstanding.

Persons draft-
ed, subject to
trial for refu-
sing to march.

XXII. And be it further enacted by the authority aforesaid, That every officer or private man in the militia of this island, who shall be drafted out as aforesaid, by order of the governor, lieutenant-governor, or commander in chief for the time being, or the commanding officer of the militia in the district to which he or they belong, and shall refuse or neglect to repair to his colours, march, or obey such other orders as he shall receive from his superior officer, shall, if an officer, be tried by a general court-martial; and, if a private man, by a regimental court-martial, for such his disobedience or neglect, according to the rules and articles of war, herein-before mentioned.

XXIII. And be it further enacted by the authority aforesaid, That all orders and commands, which shall or may be given, in respect to military arrangements, regulations, or purposes, by any officer acting as a general officer

on the staff, by commission under the hand and seal, or by the appointment, of the commander in chief (which commission is hereby exempted from any stamp or other duty), whenever, in time of any public necessity, the governor, lieutenant-governor, or commander in chief for the time being, shall find it expedient for the public service to make such appointment, shall be obeyed, and complied with, according to the exigency thereof, by all persons subject and liable to military command and subordination, within the district wherein such general officer shall be appointed to command.

Orders of general officers on the staff to be obeyed.

XXIV. And be it further enacted by the authority aforesaid, That the provost-marshal-general of this island, or any of his deputies, shall not, on any pretence whatsoever, presume to take or arrest, any of the officers or men, or the slaves, employed in any party by virtue of this act, or within thirty days after they, and each of them, are respectively discharged, nor in the time of his going to, or coming from, the place of duty or rendezvous of such party, under the penalty of fifty pounds, and of being further liable to an action of false imprisonment; and, in case of any such arrest, it may and shall be lawful for any one of his majesty's justices of the peace, for the parish where such person or persons shall be arrested, and such justice is hereby required, immediately to release him or them from such imprisonment.

Officers, privates, and slaves, of parties, free from arrest.

XXV. And be it further enacted by the authority aforesaid, That the commissioners appointed as aforesaid, in the several and respective parishes of this island, for carrying into effect the purposes of this act, shall be, and they hereby are, directed and required to attest, under their hands, all purchases, contracts, bargains, agreements, accounts, demands, certificates, and vouchers, for all matters and things which by this act they are authorized and enjoined to transact; and the same being verified by the respective claimants, on oath, shall be laid before the commissioners appointed, or to be appointed by law, for stating and settling the public accounts, in order to their being examined and audited by them, in the manner next hereafter mentioned and directed.

Commissioners to attest accounts, &c. which, being sworn to by claimant, are to be audited by commissioners of accounts;

XXVI. And whereas many accounts, charges, and demands, may accrue against the public of this island, in consequence of measures to be taken, by virtue of this act, for reducing rebellious and runaway slaves, and which it is just and fit should be liquidated and settled: Be it enacted by the authority aforesaid, That the commissioners appointed, or to be appointed, by law, for stating and settling the public accounts, shall be, and they are hereby, authorized and empowered to audit all such accounts, charges, and demands, which shall have so accrued, and have been presented to, or laid before, them, at any time previous to the next meeting of the assembly thereafter; and to grant certificates, bearing interest at and after the rate of six pounds *per centum per annum*, signed by any two of the said commissioners last-mentioned, and countersigned by the receiver-general, for the

who may grant certificates for the same, bearing interest.

respective

respective sums for which the same shall be passed; and which said certificates shall be taken in payment of all public duties and taxes whatever, the revenue duties excepted.

Commissioners under this act indemnified.

XXVII. And it is hereby declared, That this, or any future assembly, will indemnify and save harmless the commissioners appointed as aforesaid, forestalling the several purposes of this act, from any personal responsibility which may lie upon them, or any of them, by reason of any engagements, which they, or any of them, shall have *bond fide* made for the public service, according to the true intent and meaning of this act.

Acts of any two commissioners to be valid.

XXVIII. And it is hereby enacted and declared, That the actions, transactions, and proceedings, of any two of the commissioners herein appointed as aforesaid shall, for carrying into effect the purposes of this act, be held and considered as good and valid, as if the same had been the act and acts of the whole of them.

Penalty on commanding officers for neglect of duty.

XXIX. And be it further enacted by the authority aforesaid, That every commanding officer of a regiment or battalion, every officer commanding a party, every commissioner aforesaid, and every justice of the peace, who shall refuse or neglect to do his or their duty, in any matter or thing required of him or them by this act, shall respectively, for every offence, forfeit the sum of fifty pounds.

Power of colonels to act on emergency not interfered with.

XXX. And be it further enacted by the authority aforesaid, That nothing herein contained, is meant or intended to do away the power granted by the twentieth clause of the militia law, passed in the year one thousand seven hundred and ninety-seven, to enable colonels or commanding officers of the several districts, to order a muster upon any sudden emergency or alarm, and to take such other steps for public security, as to him the said colonel or commanding officer shall seem absolutely necessary and proper.

How penalties are to be recovered and applied.

XXXI. And be it further enacted by the authority aforesaid, That all penalties in this act mentioned, not exceeding twenty pounds, and not declared how they shall be recovered, shall be recovered before any of his majesty's justices of the peace, of the parish or precinct wherein the offence shall have been committed; who is hereby authorized and empowered to issue his warrant, to summon the party or parties complained of before him, and, on conviction, to distrain on the offender's goods and chattels, by warrant directed to the provost-marshal, or any of his lawful deputies, or to the constable or constables of such parish or precinct; which penalties shall be paid into the hands of the party or parties complaining: And that all penalties exceeding twenty pounds, shall be recovered in the supreme court of judicature, or in the courts of assize in this island; wherein no effoin, protection, imparlance, wager of law, *non vult ulterius prosequi*, or injunction, shall

shall be entered or allowed; one half whereof shall be to the informer, or him or them who shall sue for the same, and the other half be paid to his majesty's receiver-general, for and towards supporting the contingent charges of the government of this island; any law, custom, or usage, to the contrary notwithstanding.

XXXII. And be it further enacted by the authority aforesaid, That if any person or persons, by whom any thing is required to be done by this act, shall, at any time, be sued or prosecuted for any such thing, done and executed in pursuance and under the authority of this act, the defendant or defendants may plead the general issue, "not guilty," and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and under the authority, of this act; and, if the same shall appear to have been so done, that the jury shall find a verdict for the defendant or defendants; and if the plaintiff or plaintiffs shall become non-suit, or suffer a discontinuance of his, her, or their action, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath or have, for costs of suit in any other cases by law.

Indemnity to public agents.

General issue.

Treble costs.

XXXIII. And be it further enacted by the authority aforesaid, That this act, and every clause, matter, and thing, therein contained, shall continue and be in force, from the passing thereof, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and two, and no longer.

This act in force until 31st Dec. 1802.

C A P. VI.

An act to enable the right honourable Alexander earl of Balcarras, lieutenant-governor and commander in chief of this island, or the governor or commander in chief for the time being, to issue his majesty's royal proclamation, during the recess of the assembly, prohibiting the exportation of flour and other provisions from this island, for a limited time.—In force until 31st December, 1799.—[12th December, 1798.]

ANNUAL.

C A P. VII.

An act to repeal an act, passed in the year of our Lord one thousand seven hundred and forty-four, entitled, "An act for the more effectual preventing of gaming, and suppression of lotteries;" and for the prevention of gaming and lotteries.—[12th December, 1798.]

Preamble.

17 Geo. II. cap.
7, defective.

Said act re-
pealed.

Divers games
and common
gaming-
houses pro-
hibited.

Games al-
lowed.

Penalty on
offending.

WH E R E A S, an act of the governor, council, and assembly of this island, entitled, *An act for the more effectual preventing of gaming, and suppression of lotteries*, passed in the year of our Lord one thousand seven hundred and forty-four, hath not fully answered the ends for which the legislature intended it: And whereas many mischiefs and inconveniencies do arise, and are daily found, by frequenting public gaming-houses, and by playing at dice and other unlawful games, the same tending to encourage a loose and disorderly life, and to cozening and debauching the youth of this island, to the loss of their time, and the ruin of their estates and fortunes: We, therefore, your majesty's most dutiful and loyal subjects, the assembly of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That the aforesaid act, passed in the year of our Lord one thousand seven hundred and forty-four, and every clause, matter, and thing, therein contained, shall, from and after the passing of this act, be, and the same is hereby, repealed and made void, to all intents and purposes whatsoever.

II. And it is hereby enacted by the authority aforesaid, That no person or persons, from and after the passing of this act, by himself, herself, deputy, servant, or other person, shall, for his, her, or their gain or lucre, erect, set up, continue, or keep, hold, occupy, exercise, or maintain, any common gaming-house, or other place, for playing at the games of shovel-board, Pharo, ace of hearts, passage, and hazard, or for playing at any games at or with cards, or for playing at any games at or with any machine, engine, or device of chance, of any kind whatsoever (billiards, backgammon, skittles, nine-pins, and bowls only excepted) such person or persons, and every or either of them, upon being convicted thereof, before one or more justice or justices of the peace, for any parish or precinct, upon the oath or oaths of one or more credible witness or witnesses (which said oaths the said justice or justices is and are hereby authorized, empowered, and required to administer), or upon the view of such justice or justices, or on the confession of the party or parties, shall forfeit and lose a sum not exceeding two hundred pounds, nor less than ten pounds, at the discretion of such justice.

justice or justices, or shall suffer imprisonment in the county-gaol, for a time not exceeding six months, nor less than three months, or shall suffer both fine and imprisonment, at the discretion of such justice or justices; such sums to be levied by distress and sale of the offender's goods, by warrant under the hands and seals of one or more such justices of the peace, of such parish or precinct where the offence shall be committed; which forfeitures, when recovered, after deducting the reasonable charges of such prosecution, shall go and be applied, one moiety to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the informer; and such imprisonment to be enforced by a warrant under the hand and seal of any one such justice, directed to the deputy-marshal, or keeper of such county-gaol.

Recovery and application thereof.

III. And be it enacted by the authority aforesaid, That all and every person and persons, using and haunting any of the said houses and places, and who shall, in any of the said houses or places, be adventurers in any of the said games of shovel-board, Pharo, ace of hearts, passage, hazard, cards, or at any game played at or with any machine, engine, or device of chance, of any kind whatsoever, or shall therein play, set at stake, or punt at, or shall bet on the side or sides of, or against, such as do and shall play, at any or either of the said games (billiards, backgammon, and the other games now played with the backgammon tables, skittles, nine-pins, and bowls, only excepted), and shall be thereof convicted, before any one or more justice or justices of the peace for any parish or precinct, upon the oath or oaths of one or more credible witness or witnesses, which said oaths the said justices are hereby authorized, empowered, and required to administer, or upon the view of the said justice or justices, or on the confession of the party or parties, every such person or persons shall forfeit and lose a sum not less than ten pounds, and not exceeding one hundred pounds, or shall suffer imprisonment in the county-gaol, for a time not less than five days, and not exceeding thirty days, at the discretion of such justice or justices; such sums to be sued for, recovered, and disposed of, as aforesaid.

Penalty on gamblers and betters.

Evidence necessary to conviction.

IV. And be it enacted by the authority aforesaid, That no complaint instituted under this act, shall be removed or removable by *certiorari*, or any other writ or process whatsoever, into his majesty's supreme court of judicature, until judgment or determination hath been given and made thereupon, by such justice or justices as aforesaid; nor shall any conviction made, or judgment given as aforesaid, by this act, be set aside by the judges of the supreme court of judicature for want of form, in case the fact alledged in the said conviction shall be proved to the satisfaction of the said court.

Judgment must be given previous to removal.

Proceedings not to be quashed for want of form.

V. And whereas it is necessary to regulate public billiard-tables: Be it therefore enacted by the authority aforesaid, That no person or persons who so ever,

Regulation of
public bil-
liard-tables,
for which li-
censes must
be obtained.

ever, in this island, shall presume, from and after the passing of this act, by him, her, or themselves, or by any person or persons whatsoever to be employed by him, her, or them, or for his, her, or their benefit, unless he, she, or they, shall have first obtained a license for so doing, from the justices and vestry in their respective vestries, and which said license shall not be granted, but upon certificate under the hands of two respectable freeholders of the said parish, wherein such licenses shall be applied for, certifying, that he, she, or they, is and are sober and discreet, and duly qualified and fit to be trusted to keep a public billiard-table; nor shall such license be granted, until after the reading of such certificate, as aforesaid, in public vestry as aforesaid; the granting thereof shall be approved of by the majority of the magistrates and vestrymen present at such vestry, under the penalty of two hundred pounds, to be recovered as hereafter-mentioned; and which said license shall be annually renewed, in manner aforesaid, and under the penalty of two hundred pounds.

No license
to be granted
until security
is given, to
keep good
order, and
pay the tax.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall have a license granted to him, her, or them, to keep a public billiard-table as aforesaid, without first becoming bound unto the churchwardens of their respective parishes for the time being, or their successor or successors, in a bond, with one sufficient security (such security to be a freeholder of the said parish,) in the sum of five hundred pounds, for the maintenance of good order and rule in the house in which such billiard-table shall be intended to be kept; and also without becoming bound to the churchwardens of the said parish, with one good and sufficient security, which security shall be a freeholder, in the penalty of one hundred pounds, to pay the sum of twenty-five pounds to the collecting constable or constables of the parish where he, she, or they, so apply for a license, for the use of the poor of the said parish, or to go in aid of the parochial taxes thereof; and the clerk of the peace in each respective parish, shall not record the said license, until a certificate shall be produced from the collecting constable or constables of the said parish, where such license shall be applied for, that the said sum of twenty-five pounds has been paid into his or their hands.

Restrictions
to the time of
playing.

VII. And it is hereby enacted by the authority aforesaid, That no person whatever, so keeping a public billiard-table as aforesaid, shall permit any playing thereat before the hour of eight of the clock in the morning, nor after the hour of six of the clock in the evening, on common week days; and that, on Sundays, he shall not permit any playing whatever, under the pains and penalties of fine and imprisonment for each offence in either of the said cases, as herein directed for unlawful gaming.

VIII. And be it further enacted by the authority aforesaid, That every clerk of the peace, or his lawful deputy, in this island, shall be, and he is hereby, obliged,

obliged, under the penalty of fifty pounds, to keep a separate book, for the purpose of entering and recording therein, such certificates, bonds, and licenses.

Licenses to be recorded.

IX. And it is hereby further enacted, That, for every such license, the person receiving the same shall pay the sum of two pounds ten shillings to the clerk of the peace, as and for his trouble of making out and taking the said bond, recording the certificate, making out and passing the license, and recording the same, including every charge, under the penalty of ten pounds.

Fee to the clerk of the peace.

X. And whereas divers loose and dissolute persons, free and other negroes, mulattoes, and Indians, do meet at private houses, and other places, where the games herein-before mentioned, or some or one of them, is or are played at or carried on, and frequent riots or disorders are committed, to the great reproach of the laws and government of this island: Be it therefore enacted by the authority aforesaid, That all and every such house or houses, place and places, where such meeting and gaming is and are carried on, shall be deemed and adjudged common gaming-houses for lucre, within the true intent and meaning of this act; and all and every person and persons, haunting and playing at any of the said games, contrary to this act, in any such house or houses, place or places, shall severally forfeit, and be liable to, all and every the forfeitures and penalties inflicted by this act.

Common gaming-houses defined; which are unlawful.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to all and every justice and justices of the peace, of every parish and precinct within this island, on information to be made upon oath, to enter and resort into all and every houses and places, where such games shall be holden, exercised, used, occupied, or played at, contrary to the form of this act; and, as well the keepers of the same, as also the persons there haunting and resorting, and playing, to take, arrest, and imprison, as aforesaid.

Justices empowered to search gaming-houses;

and to arrest the keepers thereof, and the gamblers.

XII. And be it further enacted by the authority aforesaid, That if any justice of the peace within this island, shall neglect or refuse to do what is required of him by this act, such justice, so neglecting or refusing, shall forfeit the sum of twenty pounds for every offence; and, if any deputy-marshal, or keeper of any of the county-gaols within this island, shall neglect or refuse to receive any prisoner or prisoners sent to him, by a warrant under the hand and seal of any of the justices of the peace within this island, to be imprisoned for any offence committed against this act, or having received such prisoner or prisoners, shall not keep him, her, or them, within the walls of such county-gaol, during the whole of the time prescribed by such warrant or warrants, every such deputy-marshal, or keeper of such county-

Justices neglecting their duty herein, to forfeit 20*l*.

and gaol-keepers in the same predicament, 100*l*.

Application
and recovery
thereof.

gaol, so offending as aforesaid, shall forfeit the sum of one hundred pounds for every offence; one moiety of which said several penalties before-mentioned, shall go to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the informer, to be recovered by action of debt, bill, plaint, or information, in the supreme court of judicature of this island, wherein no essoin, protection, or wager of law, or injunction, shall be granted or allowed, or *non vult ulterius prosequi* be entered.

Prosecutions
to be com-
menced with-
in six months.

XIII. And be it enacted by the authority aforesaid, That all prosecutions for any offence against this act, shall be commenced within six months next after such offence, shall be committed.

Raffles and
lotteries,

XIV. And whereas several persons have set up certain fraudulent games and lotteries, to be determined by the chance of cards and dice, and subscriptions have been carried on, under the denomination of sales of plate, jewels, and other goods, and proposals or schemes have been printed, for the sale of such plate, jewels, goods, and other things, to be determined by raffles, by mathematical engines or machines, and by other indirect ways, tending to defraud unwary persons, ignorant of the disadvantages adventurers in the said games and lotteries are subject and liable to: For remedy whereof, Be it enacted by the authority aforesaid, declared, and adjudged, That all such games and lotteries, are common and public nuisances; and that all grants, patents, and licenses, for such lotteries, are void, and contrary to law.

Declared il-
legal.

No person to
make or par-
ticipate in
any kind of
lottery.

XV. And be it further enacted, That, from and after the passing of this act, no person or persons whatsoever, shall publicly or privately exercise, keep open, shew, or expose, to be played at, drawn at, or thrown at, or shall draw, play, or throw at, any such lottery, either by dice, lots, cards, balls, or any other numbers or figures, or any other way whatsoever; or shall expose to sale, any house or houses, lands, plate, jewels, or other goods, by any lottery, game, method, or device whatsoever, depending upon, or to be determined by, any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance, of any kind whatsoever; and every person or persons that shall, from and after the passing of this act, exercise, expose, offer, or shew, to be played, thrown, or drawn at, any such lottery, play, or device, upon being convicted thereof, before any one justice of the peace, for any parish or precinct within this island, upon the oath or oaths of one or more credible witness or witnesses (which said oaths the said justices are hereby authorized, empowered, and required to administer), or upon the view of such justice or justices, or on the confession of the party or parties, shall forfeit and lose the sum of one hundred pounds, to be levied by distress and sale of the offender's goods, by

Makers of
lotteries to
forfeit 100.

warrant

warrant under the hands and seals of two or more justices of the peace, of such parish or precinct wherein the offence shall be committed; which said forfeitures, when recovered, after deducting the reasonable charges of such prosecution, shall go and be applied, one moiety to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer.

Recovery and application.

XVI. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall be adventurers in any of the said lottery or lotteries, sale or sales, as aforesaid, and shall be thereof convicted, by two or more justices, as aforesaid, every such person or persons, shall forfeit and lose the sum of ten pounds, to be recovered, applied, and disposed of, as aforesaid, in respect to the forfeiture last-mentioned.

Adventurers in lotteries to forfeit 10/.

XVII. And it is hereby enacted by the authority aforesaid, That if any suit or action shall be brought or prosecuted, against any person or persons, for any thing to be done under the authority of this act, the defendant or defendants, in such action or suit, may plead the general issue, "not guilty," and give this present act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance of, and by the authority of, this act; and, if the same shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, that then, and in such case or cases, the jury shall find a verdict for the defendant or defendants; or, if the plaintiff or plaintiffs shall become non-suited, or suffer a discontinuance of his, her, or their action or actions, or, if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath, or have, for costs of suit, in any other cases by law.

General issue.

Verdict for defendant.

Treble costs.

C A P. VIII.

An act to regulate the carriage of the baggage of the troops stationed, or to be stationed, in this island.—In force until 31st December, 1799.—[12th December, 1798.]

ANNUAL.

C A P. IX.

An act to regulate the fees of the governor's secretary.
[12th December, 1798.]

WH E R E A S it is necessary that fees to be taken by all persons in public offices should be settled and fixed by known laws: And, whereas hitherto the fees from time to time taken, by the person acting as secretary to the governor or commander in chief of this island for the

Preamble.

Establish-
ment of the
fees of the
governor's
secretary.

the time being, by means of no fees being established by law, have been arbitrary and uncertain: In order, therefore, that all persons hereafter may know, what fees a governor or lieutenant-governor's secretary may take and receive, for business done in the said office, and that the same may be established by law, We, your majesty's most dutiful and loyal subjects, the assembly of Jamaica, most humbly beseech your majesty that it may be enacted by the lieutenant-governor, council, and assembly, of this island, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, the fees of the person acting as secretary to the governor or commander in chief for the time being shall be as follows: For every commission as general to serve in the militia of this island, thirty pounds; for every commission of colonel to serve in the militia of this island, twenty-one pounds; for every commission of lieutenant-colonel, fifteen pounds fifteen shillings; for every commission of major, twelve pounds ten shillings; for every commission of captain, eight pounds five shillings; for every commission of lieutenant, five pounds ten shillings; for every commission of ensign, three pounds five shillings; for every commission of adjutant, three pounds five shillings; for every commission of quartermaster, three pounds five shillings; for every commission of surgeon to a regiment of militia, five pounds ten shillings; for every commission of captain of a fort upon the establishment, twenty-five pounds; for every commission of lieutenant of a fort upon the pay establishment, twenty pounds; for every warrant or appointment of gunner or quarter-gunner of a fort upon the pay establishment, forty pounds; for a privateer's commission, twenty pounds; for presentation to a benefice, the sum of ten pounds *per centum* on the stipend settled by law; for a surveyor's commission, one hundred pounds; for an order for surplusage land, five pounds; for a *fiat* for land on the quit-rent act, five pounds ten shillings; for each special order for land, five pounds; for every common order for land, two pounds ten shillings; for an order for foot-land in Titchfield, two pounds fifteen shillings; for every *fiat* for land, two pounds ten shillings; for letters of preference for an escheat, twenty pounds; for every *fiat* on letters of preference for an escheat, ten pounds; for every *fiat* for a writ to elect a coroner, ten pounds; for every leave of absence to members of his majesty's council, or custos, five pounds; for leave to each public officer, ten pounds ten shillings; for every patent of naturalization, twelve pounds ten shillings; for every warrant for a pilot, five pounds; for every commission of *custos rotulorum*, twenty pounds; for every commission of magistrate, or justice of the peace, when by writ of association, five pounds; for the commission of chief justice of the grand court, fifty pounds; for leave of absence of such chief justice, twenty-one pounds; for the commission of assistant judge of the grand court, when by writ of association, ten pounds; for the commission of assistant judge, or justice, for the Surrey and Cornwall assize-courts, when by writ of association, ten pounds; for every commission of chief justice of common pleas, ten pounds; for every commission of assistant judge of common pleas, when by writ of association, five pounds; for every

every commission or appointment of master in ordinary in chancery, fifty pounds; for every commission or appointment of master extraordinary in chancery, fifteen pounds; for every commission or appointment of superintendant of maroons, ten pounds; for flags of truce, twenty pounds; for the commission of harbour-master, ten pounds; for the commission of interpreter of foreign languages, two pounds fifteen shillings; for every commission of armourer, two pounds fifteen shillings; for the commission of adjutant-general, twenty-five pounds; for the commission of quartermaster-general, twenty-five pounds; for the commissions of deputy adjutant-general, and deputy quartermaster-general, each, fifty pounds; for the commission of barrack-master-general, fifty pounds; for the commission of deputy barrack-master-general, fifty pounds; for the commission of muster-master-general, fifty pounds; for the commission of deputy muster-master-general, fifty pounds; for the commission of judge-advocate-general, twenty-five pounds; for the commission of deputy judge-advocate-general, twenty-five pounds; for each commission of deputy judge-advocate, ten pounds ten shillings; for each commission of aid-du-camp to the commander in chief, fifty pounds; for the commission of island engineer, five pounds five shillings; for the commissions of physician-general and surgeon-general, each, twenty-one pounds; for the commission of surveyor of public works, twenty-five pounds; for an order to a minister to publish in church the intention of a person to apply for a private bill, two pounds fifteen shillings: ~~Provided always,~~ That no officer of the militia shall be compelled to pay twice for the same rank, on any change of the governor or lieutenant-governor of the island, or otherwise.

Militia officers not to pay twice for the same rank.

II. And be it further enacted by the authority aforesaid, That the said secretary shall, within three days after the passing of this act, fix and set up, in the most public part of his office, a table of the fees as they are hereby settled and established, and, for his neglecting, omitting, or delaying, to do the same, shall forfeit the sum of one hundred pounds; to be recovered in any court of this island, by action of debt or otherwise; one moiety whereof shall be to his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him or them that shall sue for the same.

Secretary to affix a table of these fees in his office, under penalty of 100*l*.

Recovery and application thereof.

III. And be it further enacted, That all commissions or warrants, to be granted in future by the governor, lieutenant-governor, or commander in chief for the time being, shall be gazetted within one month after their respective dates, otherwise to be null and void, under the penalty of fifty pounds; to be recovered and applied in manner aforesaid.

Commissions to be gazetted once a month.

IV. And be it further enacted by the authority aforesaid, That in case the said secretary, or any person for him, shall, on any pretence whatsoever, presume

If he take
any greater
or other fees,
he forfeits
500*l*.

and is incapa-
citated.

This act will
expire De-
cember 12,
1801.

presume to ask, take, or demand, any greater or other fees, sum or sums of money, or other reward, save what is herein before prescribed, every such officer, person or persons, so asking, demanding, taking, or receiving, shall, for every such offence, forfeit the sum of five hundred pounds, to be recovered as aforesaid (one moiety whereof shall be to his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him or them that shall sue for the same), and be further incapacitated to bear said office.

V. And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the passing thereof, for the term of three years, and no longer.

C A P. X.

An act for appointing certain commissioners, to purchase lands and buildings in the town of Port-Royal, for the use of his majesty's naval hospital.

[12th December, 1798]

Preamble.

Certain
buildings in
Port-Royal,
by their situa-
tion, injuri-
ous to the na-
val hospital.

Commission-
ers appoint-
ed, who are
empowered
to treat for
the purchase
of them.

WH E R E A S there are certain lands, with buildings thereon of no considerable value, situate to the windward of his majesty's naval hospital at Port-Royal; by means of which buildings, the admission of fresh and wholesome air is, in a great degree, prevented from passing into and through the wards of the said hospital; and, by reason of such lands being private property, improper persons have opportunities of holding conversations with, and conveying spirituous liquors to, the seamen therein, and such seamen are enabled to desert therefrom, to the great injury of your majesty's service: For remedy of which evils, We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That Fairlie Christie, Oliver Hering, James Dick, Nicholas Lechinere, and William Smellie Forbes, esquires, shall be, and they are hereby appointed, commissioners for carrying into effect the purposes of this act; and they, or any three of them, are hereby authorized and empowered, to treat with the owners, or persons interested in such lands, or of any part or parts thereof, and in the buildings thereon, for the purchase thereof, at and for such price and prices as shall be agreed by and between the said commissioners, or any three of them, and such persons respectively; and, in case any person or persons shall decline or refuse to treat and agree as aforesaid, or, through any disability, by non-age, coverture, or by reason of any other impediment whatsoever, cannot

not dispose of their respective interests in such lands and buildings, it shall and may be lawful, to and for any justice of the peace for the parish of Port-Royal, upon application made to him by the said commissioners, or any three of them, to issue his warrant to the provost-marshal-general, or his lawful deputy for the parish of Port-Royal, to empanel, summon, and return, a competent number of persons qualified to serve on juries (such number not to be less than twenty-four), to be and appear, at such time and place within the town of Port-Royal, as in the said warrant shall be expressed; out of which persons, so to be empanelled, summoned, and returned, a jury of twelve persons shall be drawn by ballot; who, upon their oaths (which oaths, and also the oaths to any witness or witnesses to be called before the said jury, the said justice is hereby empowered to administer) shall inquire of the value of such lands and buildings, and of the respective estate and interest of every person seized or possessed thereof, or interested therein, or of or in any part thereof, and shall assess and award the sum or sums to be paid to every such person or persons, for the purchase of his or their estate and interest therein; and the said jury shall give judgment for such sum or sums of money, so to be assessed; which said judgment or determination thereupon, shall be binding and conclusive, to all intents and purposes whatever, against all and every person and persons whomsoever, claiming any estate, right, title, trust, use, or interest, in, to, or out of, the said lands and buildings, either in possession, reversion, remainder, or expectancy: *Provided nevertheless*, That notice in writing shall be given to the person or persons interested in such lands and buildings, at least fourteen days before the time of such assessment, declaring the time and place of the meeting of the said justice and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her, or their usual place or places of abode, or with some tenant or occupier of the said lands and buildings, intended to be valued and assessed.

In case of impediments, or disabilities, buildings to be valued by a jury, whose judgment to be conclusive, and to give title.

Fourteen days notice to be given to persons interested.

II. And be it further enacted by the authority aforesaid, That if the said lands and buildings, or any part thereof, shall be disposed of by sale and conveyance, the deed or instrument of conveyance shall vest, by proper words to be therein inserted, the freehold and inheritance of the same, in his majesty, his heirs and successors, for the use of the naval hospital at Port-Royal; and, if the said lands and buildings, or any part thereof, shall be valued by a jury, as above directed, that, upon the return of the said inquisition, and full payment of the valuation being made, or legally tendered, to the person or persons interested therein, the same shall be, in same manner, vested in his majesty, his heirs and successors.

Whether sale made by purchase, or valuation, the title to be to the king.

III. And be it further enacted by the authority aforesaid, That the proceedings of the said commissioners, in respect to such of the said lands and buildings as shall be disposed of by sale and conveyance, or to such as shall be valued by a jury as aforesaid, shall be returned into the secretary's office

Proceedings of commissioners to be recorded;

and to be
evidence in
the courts.

of this island, there to be recorded, and shall be deemed and taken to be records of this island, to all intents and purposes whatsoever; and the same, or true copies thereof, shall be taken, adjudged, and deemed, good and effectual evidence and proof, in any of the courts of law or equity in this island.

Public act.

IV. And it is hereby declared, That this act is a public act, and shall be deemed and taken notice of as such, by the judges, justices, and others, in all courts and places in this island, without specially pleading the same.

C A P. XI.

An act for the further regulation of the police of the town of Falmouth, in the parish of Trelawny; and for empowering the justices and vestry of the said parish to establish market-places in the said town.

[12th December, 1798.]

35 Geo. III.
cap. 36, de-
fective.

Regulations
for certain
tradesmen,
using fire in
their occupa-
tions, in the
town of Fal-
mouth.

WHENCEAS an act of the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica, passed in the thirty-fifth year of your majesty's reign, entitled, *An act for the better regulating the police of the town of Falmouth, in the parish of Trelawny; to provide against accidents by fire; to supply the said town, by aqueducts, with water; and for other purposes*, hath been found to be defective, and not to answer the purposes for which it was intended: For remedy whereof, We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's said island, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of the said island, and it is hereby enacted and declared by the authority of the same, That, from and after the first day of January next, it shall not be lawful for any person exercising or carrying on the trade, business, or occupation of a cooper, or for any other person or persons employed in raising or making of casks, to make, or suffer to be made, any fire on any part of the land appertaining to his or their shop or tenement, or in any other part of the town of Falmouth, in the parish of Trelawny, for the purpose of raising or making such casks, unless the same shall be made within a square, to be built of brick; which square shall be eight feet high at the least, with one opening to the westward of such building; and, that any person acting in contravention hereof, shall be liable to a penalty of twenty pounds for each offence.

II. And, for the better security of the said town of Falmouth, and to prevent riotous and disorderly meetings, during the night, be it enacted by the authority aforesaid, That the justices and vestry of the said parish of Trelawny

lawny shall be, and they are hereby, empowered to establish a nightly watch in the said town of Falmouth, and to cause to be erected and built, or provided, one or more public watch-house or watch-houses, and stocks for the confinement of night-walkers, or other disorderly or ill disposed persons; and which said nightly watch shall be called by the name of "THE FALMOUTH NIGHT-GUARD:" And the said justices and vestry shall and may, yearly and every year, or as often as they shall think necessary, and they are hereby authorized and empowered to, nominate and appoint such a number of discreet and able-bodied men, as officers and privates, to compose the said night-guard, as they shall judge sufficient and requisite for that purpose: And the said justices and vestry are hereby authorized and empowered to direct and appoint, in writing, in what manner, and at what hours, the said night-guard shall be stationed and ordered out, in what manner they shall be armed, how long they shall continue on duty, and what wages or pay shall be allowed to such officers and privates respectively, for their service; and, from time to time, to make such regulations, and give such orders, respecting their service, as the safety and protection of the peace, and of the inhabitants, of the said town, shall render necessary, and as to the said justices and vestry shall seem expedient.

mouth may build a watch-house, appoint a night-guard, and frame regulations for them:

III. And be it enacted by the authority aforesaid, That true copies or transcripts of all such orders, nominations, and regulations, as shall, from time to time, be made and given, for the establishment, direction, and government, of the said night-guard, shall be signed by the said justices and vestry: And, in order that no ignorance thereof shall be pretended or alledged, by any of the officers and privates, so to be nominated and appointed, such copies or transcripts shall be affixed and stuck up, in some public part of such watch-house or watch-houses, herein directed to be erected and provided: And the said officers and privates, of the said night-guard, shall, and they are hereby authorized and required to, patrol and keep watch and ward, within the streets, lanes, and other places, of the said town of Falmouth, at such hours, and in such manner, as shall, from time to time, be directed by the said justices and vestry; and shall, in their several turns and courses of watching, use their utmost endeavours to prevent all mischiefs happening by fire, and all murders, burglaries, robberies, breaches of the peace, riots, and all other outrages and disorders, and all tumultuous assemblies of slaves: And, in order to the prevention thereof, the said officers and privates are hereby, jointly and severally, authorized, empowered, and required to arrest, apprehend, and detain in the watch-house of the said town, or other proper and convenient place of security, to be provided and fixed on by the said justices and vestry, within the said town of Falmouth, all and every person and persons whomsoever, committing, or attempting to commit, or aiding or abetting in, any such murders, burglaries, robberies, breaches of the peace, riots, and disorders; and all and every such person and persons, who shall be found idly wandering about, or

Such regulations to be signed by the justices and vestry, and affixed in the watch-house

Duty of the night-guard, to patrol the streets, and preserve the peace and safety of the town.

misbehaving themselves, in the said town, after such hour in the evening as the said justices and vestry shall, from time to time, appoint.

Duty of the
officer of
night guard,
to visit the
different sta-
tions, and
watch over
the privates.

Penalty on
privates for
misconduct.

IV. And be it further enacted by the authority aforesaid, That the officer of the said night-guard, who shall have the command thereof for the time being, shall be obliged, and he is hereby obliged and required, once at the least, and oftener if he shall be directed by the said justices and vestry, in every night, to go his round, and to see that the privates of the said night-guard are in their proper districts and stations, and performing the duty and service allotted to them, according to the orders and regulations of the said justices and vestry, as aforesaid; and, in case any such private or privates shall misbehave, or shall be found drunk, sleeping in his or their stations, or neglecting his or their duty, such officer, commanding the said night-guard, is hereby authorized, empowered, and required, to arrest such private or privates, and to suspend him or them, and to appoint one or more person or persons to officiate in his or their stead, until the next meeting of the said justices and vestry; when such officer shall acquaint the said justices and vestry of the misbehaviour, or neglect of duty, for which such private or privates was or were arrested and suspended, in order that the said justices and vestry may examine therein; and, if the said justices and vestry shall find, upon such examination, that such complaint is well grounded, and properly supported, such private or privates shall be discharged from such his or their appointment, and shall forfeit the arrears of pay that may be due to him or them.

Penalty on
officers for
misconduct,
or neglect of
duty.

V. And it is hereby further enacted, That if any officer or officers of the said night-guard shall neglect, or refuse to perform, the duty and service herein before required of him or them, and shall misbehave himself or themselves, and thereby set a bad example to the privates of the said night-guard, the officer or officers so offending shall, upon any complaint thereof being made, and proved to the satisfaction of the said justices and vestry, by any person or persons whatsoever, capable of giving legal evidence therein, forfeit the arrears of his or their pay; and shall, if the said justices and vestry judge proper, be discharged from such his or their appointment, and be deemed incapable and unfit of again serving in the said night-guard.

From nine in
the evening
to five in the
morning,

VI. And whereas many slaves, and disorderly people of colour, meet and assemble together, at improper and unseasonable hours, in negro-houses, negro-yards, and other places in the said town, and beat drums, blow horns, or otherwise make a very tumultuous noise, to the very great inconvenience and disturbance of the inhabitants of the said town; and which meetings and assemblies tend very much to injure the health of such slaves: Be it therefore enacted by the authority aforesaid, That, from and after the hour of nine of the clock in the evening, until the hour of five in the morning, it shall and may be lawful to and for the said officers and privates of the said night-

night-guard, and they are hereby authorized and empowered, to enter into any such negro-houses, negro-yards, or other places where such meetings and assemblies shall be had, on any pretence whatsoever, whether civil or religious, and immediately to seize and apprehend all such slaves and other disorderly persons, and detain them in the said watch-house until the next morning, in order that they may be carried, as soon as may be convenient, to the office of the clerk of the peace of the said parish of Trelawny, there to be examined before any one or more magistrate or magistrates, and to be proceeded against, and dealt with, according to law.

night-guard
may enter
negro-yards,
&c. where
there are
disorderly
meetings of
slaves, who
are to be
taken up.

VII. And be it further enacted, That the justices and vestry of the said parish shall provide a fit and proper bell, and cause the same to be fixed at the watch-house, to be there kept, for the purpose of being rung at the hour of nine in every night, in order to make known the time; and it shall be the duty of the said officer of the said guard, for the night, to cause such bell to be rung accordingly, for the purpose aforesaid, under the penalty of forty shillings for every neglect: And, if any person or persons whatever shall give information, either in person or in writing, under his, her, or their hand or hands, to the officer of the said night-guard, commanding the same for the time being, that any such tumultuous meeting or assembly of slaves, and other disorderly persons of colour, is held in any place within the said town, and shall point out such place, street, or lane, and such officer shall not immediately send a proper force to apprehend and seize all such slaves and disorderly persons, as aforesaid, such officer shall, upon complaint thereof being made, and proved by one or more credible witness or witnesses, to the satisfaction of the said justices and vestry, forfeit the sum of ten pounds for every such offence; to be stopped and detained by the said justices and vestry, out of his pay or allowance: *Provided*, That such complaint be made and proved, as aforesaid, before the justices and vestry, at their next meeting after the commission of such offence.

A bell to be
provided, to
proclaim the
hour of nine.

Officer to for-
feit 10*l*. in
case of neg-
lect of duty,
on informa-
tion given
him of tu-
multuous as-
semblies of
slaves.

VIII. And be it enacted by the authority aforesaid, That the officers and privates of the said night-guard, so to be nominated and appointed by the said justices and vestry as aforesaid, under the authority of this act, shall be, and they are hereby, protected and indemnified in all things which they shall lawfully do, by virtue of this act, for the safety and protection of the said town of Falmouth, as aforesaid, in like manner as if every individual of the said night-guard was a constable or peace officer.

Officers and
privates pro-
tected and in-
demnified.

IX. And be it enacted by the authority aforesaid, That all penalties and forfeitures herein-before imposed, respecting the town-guard and its regulations, shall be levied and recovered by distress and sale of the offenders goods and chattels, by warrant under the hand and seal of one justice of the peace, acting in and for the said town of Falmouth and parish of Trelawny; which warrant such justice is hereby empowered and required to grant, upon the

Recovery and
application of
penalties and
forfeitures
herein im-
posed.

the confession of the party or parties, or upon the information of any one or more credible witness or witnesses, upon oath; which oath such justice is hereby empowered to administer; and the penalties and forfeitures, when recovered, after rendering the overplus, if any be, upon demand, to the party or parties whose goods and chattels shall be so distrained and sold (the charges incident to such distress and sale being first deducted), shall be paid to the clerk of the vestry of the said town of Falmouth, and be applied towards effecting and carrying on the purposes of this act; and in case sufficient distress shall not be found, or such penalties and forfeitures shall not be paid forthwith, it shall and may be lawful to and for such justice, and he is hereby authorized and required, by warrant under his hand and seal, to cause such offender or offenders to be committed to the common gaol, there to remain without bail or mainprize, for any time not exceeding seven days, nor less than forty-eight hours, unless such penalties and forfeitures, and all reasonable charges, shall be sooner fully paid and satisfied.

Justices and vestry empowered to hire a scavenger;

X. And whereas, the justices and vestry of the said parish of Trelawny, have not, at present, any power to hire a scavenger or scavengers, for the purpose of amending and keeping in repair the streets and lanes in the said town of Falmouth: Be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the justices and vestry of the said parish of Trelawny, if they shall think proper, and they are hereby empowered, from time to time, and at any time hereafter, to hire one or more scavenger or scavengers, for any certain time or times, as may be thought necessary and convenient, to amend and keep in repair the said streets and lanes, of the said town of Falmouth.

and to provide a marine hospital;

assess captains of vessels for seamen sent thereto;

lay a tax on inhabitants to build the same;

XI. And be it enacted by the authority aforesaid, That the justices and vestry of the said parish of Trelawny shall, and they are hereby authorized and empowered to, cause to be erected, or to provide, some good and sufficient building, in or near to the said town of Falmouth, as and for a marine hospital, for the reception of sick and convalescent seamen, belonging to ships and vessels trading or employed in the transportation of goods, wares, and merchandise, to the said town of Falmouth; and the said justices and vestry are hereby authorized and empowered, to settle and adjust the assessments to be paid by the captain or commanding officer of any ship or vessel, from which any such seaman shall be landed, and sent to the said hospital; provided such assessment does not exceed the sum of six pounds current money, for each such seaman sent to the said hospital: And the said justices and vestry are hereby authorized, empowered, and required, to lay and assess a tax on the inhabitants, and persons possessing property or properties, or carrying on trade, in the said parish of Trelawny, for the purpose of raising a fund, for the erecting or providing such building, as and for a hospital aforesaid; provided that the sum or sums, so to be laid and assessed, shall not exceed the sum of seven hundred pounds: And, after such building shall be so erected

erected and provided, the said justices and vestry shall, and they are hereby authorized and empowered to, furnish the same with all necessary articles, for the comforts and accommodation of such sick and convalescent seamen, as may be sent there, under the appointment of this act; and to hire, as in their discretion may seem proper, such surgeons, or other medical and other persons, to attend on, take care of, and administer to the relief of, such sick and convalescent seamen.

and to provide necessaries, and appoint a surgeon.

XII. And be it enacted by the authority aforesaid, That the justices and vestry of the said parish of Trelawny shall be, and they are hereby, authorized and empowered to appoint a proper place, in the said town of Falmouth, for the selling of all kinds of fresh fish; and that such place or places, so to be appointed, shall be deemed the public market-place for the selling of fresh fish: And the said justices and vestry, of the said parish of Trelawny, are hereby authorized and empowered to cause to be built, or otherwise provide, a good and sufficient market-house in the said town of Falmouth, upon such place, so to be appointed as aforesaid, or on some part thereof, for the selling of all kinds of fresh fish, in the said town of Falmouth; the expence of which shall be defrayed by a sum or sums of money, to be raised by a fair and equal tax or assessment, on the inhabitants of the said parish of Trelawny; such assessment to be made by the justices and vestry of the said parish; provided that the amount of such assessment shall not exceed the sum of seven hundred pounds.

Justices and vestry may appoint a fish market, provide a building for the same, and assess inhabitants for the expence thereof.

XIII. And be it enacted by the authority aforesaid, That the justices and vestry of the said parish of Trelawny shall, and they are hereby authorized and empowered to, nominate and appoint a proper person or persons, to look after and take care of the said market-house, so to be built or provided, with such reasonable hire, wages, or salary, as they the said justices and vestry shall think proper; and such person or persons, for misdemeanor or neglect, to displace and remove; and, in case of death, resignation, deprivation, or removal, other or others in his or their stead to appoint and put.

They may appoint a person to take care of the same.

XIV. And be it further enacted by the authority aforesaid, That the opening of the said market shall be from sun-rise in the morning, and not sooner, and the same shall be kept open until four of the clock in the afternoon; in which place or house, and between the said hours, the said market shall be adjudged to be open and public.

Hours of the market.

XV. And be it farther enacted by the authority aforesaid, That if any white person, free negro, free mulatto, or Indian, shall be found selling or vending, or offering to sell or vend, any fresh fish whatsoever, within the hours or time above limited, in any other place within the said town, than such as shall be appointed as aforesaid, every such person shall forfeit, for each offence, the sum of twenty shillings, to be recovered in a summary way, before

Penalty on free persons for selling otherwise than in the market.

fore

fore any one of the justices of the peace of the said parish; one moiety whereof shall be to the use of the poor of the said parish of Trelawny, and the other moiety to the informer, or person who shall make such complaint.

Punishment
of slaves for a
similar of-
fence.

XVI. And be it further enacted by the authority aforesaid, That if any slave shall be found selling or vending, or offering to sell or vend, any fresh fish whatsoever, within the hours and time above specified, in any other place than such as shall be appointed as aforesaid, such slave shall be punished for such offence, at the discretion of any one justice of the peace for the said parish of Trelawny, by a public or private flogging, not exceeding twenty-four lashes, or by confinement in the workhouse of the said parish, for a time not exceeding twenty-four hours; the expences incident to, or attendant thereon, to be borne and defrayed at the expence of the owner; and the fresh fish so offered for sale, shall be deemed forfeited, and the same distributed among the poor of the said parish.

Justices and
vestry may
appoint a
beef market,
provide a
building for
the same, and
furnish it with
proper stalls;

XVII. And be it enacted by the authority aforesaid, That the justices and vestry of the said parish of Trelawny shall appoint a certain place, within the said town of Falmouth, as and for a market or market-place, for the sale and disposal of fresh beef, mutton, pork, and turtle, and of all kinds of butchers' meat; and shall cause to be erected and built, on such place so to be appointed, or on part thereof, a good and sufficient market-house, or shall otherwise provide a house, to be used as a market-house in the said town of Falmouth; and shall cause to be erected, built, or set up, in such market-house, sufficient stalls, and standing places; and which said market-house, as well as the market-house herein-before directed to be erected or provided, for the sale and disposal of fresh fish, the said justices and vestry of the said parish of Trelawny, are hereby authorized, empowered, and required, to uphold and maintain at all times, in good and sufficient repair.

which they
may rent out;

the rents to
be paid to the
churchwar-
dens.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the justices and vestry of the said parish of Trelawny for the time being, to hire out, from time to time, the stalls and standing places, so to be erected, built, and set up, in the said market-house to be appointed for the sale and disposal of butchers' meat; as aforesaid, for the use of the said parish, for such time or term, and for such yearly rent or rents, as the said justices and vestry shall, from time to time, agree for; all and every of which said rents shall be paid to the churchwardens of the said parish of Trelawny, for the time being; and they are hereby fully authorized and empowered to receive the same, and, in case of non-payment of such rents, to commence and prosecute all necessary suits, actions, or other process, for the recovery thereof.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time after the passing of this act, put any wood,

wood, lumber, or any other thing whatsoever, in the streets, lanes, or avenues, of the said town of Falmouth, whereby the passage to or from the same may be any ways obstructed, or shall keep his, her, or their horse or horses, chaise or chaises, cart or carts, or any other kind of carriages whatsoever, in the piazzas to any of the houses in the said town of Falmouth, every person or persons so offending shall, for every such offence, forfeit the sum of five pounds.

No obstruction to be allowed in the streets or piazzas.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the justices and vestry of the said parish of Trelawny for the time being, and they are hereby authorized, empowered, and required, from time to time, as occasion shall be and require, to raise such sum or sums of money, as may be necessary and requisite for the effecting and carrying on the several purposes of this act; the same to be raised by a fair and equal tax, on all such kinds of property or properties, or in such other manner as it hath been, or at any time hereafter shall or may be, usual and customary for raising the tax or taxes for other parochial purposes; and which said tax shall be recovered, received, or payment enforced, in the same manner as in respect to such parochial taxes.

Justices and vestry may levy a tax for defraying expences incurred hereby.

XX. And be it enacted by the authority aforesaid, That if any action or suit shall be brought, against any person or persons acting under the authority of this act, for any matter or thing to be done in pursuance thereof, the same shall be commenced, within six months next after, and not afterwards; and the defendant or defendants therein may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereon; and if the plaintiff or plaintiffs shall become non-suit, or shall discontinue his, her, or their action or actions, suit or suits, or if, upon demurrer, or verdict, judgment shall be given for the defendant or defendants, the said defendant or defendants shall and may have and recover, double costs out of purse, to be taxed in the usual manner.

Limitation of actions.

General issue.

Double costs.

XXI. And be it enacted by the authority aforesaid, That all forfeitures and penalties in this act mentioned, and not declared how the same shall be recovered and applied, shall be recovered and applied, in the same manner as is provided for the recovery and application of forfeitures and penalties, in and by the herein-before recited act.

Recovery and application of penalties.

XXII. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken, to be a public act, and judicially received as such, in all places whatsoever, without being specially pleaded.

Public act.

C. A. P. XII.

An act for ascertaining, assessing, and collecting, a tax on transient traders, in the town of Falmouth.

[12th December, 1798.]

Preamble.

Persons not
paying taxes
in Trelawny
who carry
goods there
for sale, to be
deemed tran-
sient traders.

WH E R E A S transient traders, who do not contribute any thing to-
wards defraying the contingencies of the parish of Trelawny, do
frequently import large quantities of goods into the said parish,
thereby obtaining a manifest advantage over the inhabitants of the said pa-
rish, settled and established there, and paying taxes: It is, therefore, just
and reasonable, that the transient traders should contribute, in proportion,
to the payment of the parochial and other taxes of the same: May it please
your majesty that it may be enacted; Be it therefore enacted by the lieutenant go-
vernor, council, and assembly, of this island, and it is hereby enacted and or-
dained by the authority of the same, That, from and after the thirty-first day
of December, in the present year of our Lord one thousand seven hun-
dred and ninety-eight, all masters of vessels, supercargoes, and all other
persons whomsoever, who are not taxed upon the parish-rolls, who shall ar-
rive at the said town or parish, with slaves, goods, wares, and merchan-
dise, for sale or barter, or to be delivered and disposed of under any pre-
vious order or agreement, and for which the importer or importers are enti-
tled to receive any advance or profit on the first cost, shall be deemed
transient traders, within the meaning of this act.

Vestry to tax
transient tra-
ders 2 per cent.
on the a-
mount of
their invoices.

II. And be it further enacted, That, after the said thirty-first day of Decem-
ber, in the year aforesaid, the justices and vestry of the said parish may,
and are hereby authorized and required to, assess and tax such transient
traders, so as the sum or sums of money, at which such transient traders
shall be assessed, shall not exceed the sum of two pounds *per centum*, on
the amount of the invoice or invoices of such cargo or cargoes, so by them
imported, whether they sell the same by private or public sale, or by whole-
sale or retail, or through the medium of a vendue-master, or in any other
way whatsoever.

Justices, &c.
to elect a col-
lector of this
tax annually,
and settle his
allowance.

III. And be it further enacted by the authority aforesaid, That the justices
and vestrymen of the said parish shall, annually, elect a fit and proper per-
son to be collector of the transient tax aforesaid, in the same manner that
other parochial officers are usually elected, and shall make to such collec-
tor, from time to time, a reasonable allowance for his trouble, not exceed-
ing ten pounds *per centum*, on the sum actually collected.

IV. And

IV. And be it further enacted by the authority aforesaid, That the said collector so to be appointed, shall keep an office in the town of Falmouth, and shall attend, or have a proper person attending, to transact all business respecting the transient tax, from nine of the clock in the forenoon until two in the afternoon, of all such days on which business is usually done at the custom-house in this island.

His hours of attendance.

V. And be it further enacted by the authority aforesaid, That all and every such transient traders, as aforesaid, shall, and they are hereby obliged and required to, repair to the office of the collector of the transient tax, within forty-eight hours after the arrival of any slaves, goods, wares, or merchandise, subject to such tax, and produce their invoice or invoices to the said collector, or person officiating for him, and take and subscribe the following oath, which the said collector is hereby authorized and empowered to administer:

Transient traders to attend collector within forty-eight hours after arrival of goods, and take the following

I, A. B. do swear (or, being a Quaker, do solemnly affirm,) that the invoice or invoices now by me produced, is, or are, the true, original, and genuine, invoice or invoices, of all the goods, wares, merchandise, slaves, or effects, imported by me, in the from either on my own account, or as factor, agent, supercargo, or in trust for others, for sale; and that the same amounts to no more than the sum of current money of Jamaica; and that I have not, under cover of the name or names of any of the inhabitants of this town, or by any other means, directly or indirectly, attempted to evade the tax, to which transient traders are, by the laws of this island, liable. So help me God:

Oath;

And such transient trader shall forthwith pay over the amount of the transient tax, on such goods, wares, merchandise, slaves, or effects, into the hands of the said collector, unless the same shall exceed the sum of five pounds; in which case, such transient trader shall be at liberty to enter into a bond, with one sufficient security, (an inhabitant of the said parish) for the payment thereof, within thirty days; and for each bond the collector shall be entitled to the sum of six shillings and eight pence, (over and above the stamp,) and no more, from such transient trader: Provided always, That if any transient trader shall, previous to entering the vessel and cargo at the custom-house, consign his cargo for sale, to any inhabitant within the said parish, standing assessed with his parochial taxes, in the parish-books, at the usual and accustomed commissions charged on the sale of such cargoes; which cargoes of the same nature, and from the same place, are subject and liable to, for sales and remittances; and shall take and subscribe the following oath:

as well as pay the monies, or give bond with security.

If they consign their cargo to any inhabitant paying taxes,

I, A. B. do swear (or, being a Quaker, do solemnly affirm), that I did consign, previous to the entry at the custom-house, all the merchandise imported by me, in the ship or vessel from either on my own account or consigned to me, as agent or factor, in the said vessel, to to whom I have

taking this oath,

I have agreed to give, and will allow, the usual and customary commissions that are charged by the merchants of Falmouth, on goods consigned from the said place, without any collusion whatever, by receiving back any part of the said commissions, or abatement, in order to evade payment of the tax to which transient traders are liable. So help me God :

which consignee must corroborate,

And also, that the consignee or consignees of such cargo do, in corroboration thereof, take and subscribe the following oath :

by this oath,

I, A. B. do solemnly swear (or being a Quaker, do solemnly affirm), that C. D. hath duly consigned to me, all the merchandise imported by him, either on his own account, or consigned to him, as agent or factor, on board the ship or vessel called _____ from _____ and that I shall charge the sales thereof with the usual and customary commissions that are charged for sales of the like commodities, from the same place; and that I have not agreed to, nor will by any means whatever, either directly or indirectly, refund or remit any part of the said commissions, either to the said C. D. or to any other person or persons in trust for him, or the real and true owner of the said property, so consigned to me. So help me God :

collector may remit the transient tax.

Which said oaths the said collector is hereby authorized and required to administer; then, and in such cases only, the said collector shall remit the whole of the said tax.

If transient traders do not attend collector as above directed, they are to be assessed,

not exceeding double what they ought to pay;

VI. And be it further enacted by the authority aforesaid, That, in case any such transient trader or traders shall not, within forty-eight hours as aforesaid, repair to the office of the collector of the transient tax, and there produce his invoice, and take such oath as is hereby required, and pay over the amount of the transient tax, or give the security hereby directed to be given for the payment thereof, it shall and may be lawful for the justices and vestry of the said parish to assess such transient trader, according to the best information they can procure, of the prime cost of the goods, subject to such tax; such assessment to be in the discretion of the justices and vestry of the said parish, but not to exceed double the tax such transient trader would have been subject to, for so much as may come to the knowledge of the said justices and vestry.

and if they refuse to pay the assessment, it is to be levied; in which case, collector is to have commission.

If distraint cannot be found, they may be fined,

VII. And be it further enacted by the authority aforesaid, That if any such transient trader shall refuse to pay the tax so assessed as aforesaid, it shall and may be lawful to and for the said collector, to levy upon his or their goods and merchandise, and the same to dispose of at public sale; and the said collector shall, out of the monies to arise from such sale, be entitled to retain, not only the amount of the taxes due, but also a commission for his trouble, at the rate of one shilling for every twenty shillings, and also all incidental charges and expences: And, in case the said collector shall not be able to find sufficient goods, wares, or merchandise, of such transient trader, whereon the said tax may be levied, then, and in every such case, the

the said collector is hereby required to apply to two magistrates of the said parish, and make oath, that he the said collector hath not been able to find goods and chattels of the offender whereon to levy; and the said two magistrates are hereby authorized and required forthwith to issue their warrant, directed to the marshal or constable and constables, to apprehend and bring before them the said transient trader; and, when so brought, the said two magistrates shall, after examination, set a fine on the said transient trader, according as to them shall seem meet; provided such fine does not exceed twenty pounds, over and above the tax assessed: And the said two magistrates shall, immediately, commit the said transient trader, so offending, to the common gaol, or other prison, in the parish aforesaid, there to remain closely confined, until such offender shall have paid, not only the amount assessed on him for transient tax as aforesaid, but also the said fine and all incidental charges and expences; which charges and expences the said magistrates are hereby empowered to regulate and allow.

(not exceeding twenty pounds over the assessment) and imprisoned.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons, who shall swear to any or either of the oaths hereby required, shall be hereafter found to have sworn falsely, such person or persons shall be liable to be tried for wilful and corrupt perjury, at the supreme court of judicature, or either of the courts of assize in this island; and, being thereof convicted, shall be punished as persons guilty of wilful and corrupt perjury, are usually punished, under the laws of England.

Persons who swear falsely are to be punished as those guilty of corrupt perjury in England.

IX. And be it further enacted by the authority aforesaid, That the said collector shall, once in three months, come to an account with the churchwardens for the time being, of the said parish, for all the monies he may collect, under and by virtue of this act; and, after deducting such sum as the justices and vestry may allow him for his trouble, pay over the balance to the said churchwardens, to be by them applied in defraying the contingencies of the said parish.

Collector to account with, and pay over monies to, the churchwardens, quarterly, deducting his commissions.

C A P. XIII.

An act to authorize and empower the justices and vestry of the several parishes in this island to make and erect pounds, for the better securing of all strays of horses, mares, mules, asses, and horned cattle, belonging to the inhabitants of this island.—[12th December, 1798.]

WHEREAS frequent losses of horses, mares, mules, asses, and horned cattle, have happened to the owners and proprietors thereof, the inhabitants of this island, by their straying away from the lands of their owners; and which strays have been taken up and delivered to

Preamble.

to

Justices and
vestry of all
parishes em-
powered to
erect pounds,

and appoint
pound-keep-
ers;

who are to
pay mile-
money for
cattle
brought.

Justices, &c.
to lay a tax
on inhabit-
ants to defray
expences of
making
pounds;

to overseers and other persons, who were not the owners thereof, and such person or persons have used, worked, and employed, such strays for the benefit and advantage of themselves, or for the use and benefit of the owners or employers of such overseers or servants, to the great injury and loss of the proprietors of such strays: In order, therefore, to prevent such a pernicious practice from being carried on for the future, and that evil disposed persons should not gain any emolument to themselves by detaining, using, and employing, the property of others, to the manifest prejudice of the proprietors of such strays, it is necessary that a pound or pounds should be erected and made in the several parishes of this island, where such strays may be safely kept and preserved, and the owners thereof may be thereby enabled to recover such strays, without any loss or damage: We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your said island, That, from and after the passing of this act, the justices and vestry of each and every of the parishes within this island, are hereby authorized and empowered to cause to be built, made, or erected, one or more pound or pounds, such as shall be fitting and necessary for the safe keeping, detaining, and securing, of all horses, mares, mules, asses, and horned cattle, which shall stray or be taken up as strays in such parish or parishes; and that after such pound or pounds are so made, that the said justices and vestry, or the major part of them, are also authorized and empowered to find and provide a fit and proper person to take care of such pound or pounds, and to take into his custody or possession, all and every such strayed horses, mares, mules, asses, and horned cattle, as shall be brought to be impounded; and them and each of them to keep and detain in such pound or pounds, until the owner or proprietor of such stray or strays shall send for the same, or until such time as is herein after-mentioned; and that the person so to be appointed pound-keeper or pound-keepers, do and shall pay, or cause to be paid, to the person or persons who shall deliver into his custody or possession any such stray or strays, of horses, mares, mules, asses, or horned cattle, at and after the rate of one shilling and three pence *per* mile, for each and every of such stray or strays, to be computed from the place where such stray or strays were taken up, to the place so allotted for the said pound.

II. And be it further enacted by the authority aforesaid, That the justices and vestry who shall have so appointed a pound-keeper or pound-keepers, and erected a pound or pounds, do forthwith, after the passing of this act, lay a tax upon the inhabitants of each of the parishes in this island, to be raised, levied, and paid, in the same manner as the parochial and other taxes are now raised, levied, assessed, and paid, of all such sum and sums of money as shall be thought necessary and proper, for defraying the expences of erecting and making such pound or pounds, and for purchas-

ing

ing or renting a sufficient quantity of land in each parish for that purpose, so as the same do not exceed in the whole the sum of one hundred pounds current money of Jamaica; and that the said justices and vestry do also pay, or cause to be paid, to each and every of such pound-keeper or pound-keepers, so to be nominated and appointed as aforesaid, for his care and trouble, as an encouragement for the faithful discharge of his duty, a sum not exceeding fifty pounds *per annum*, which the said justices and vestry, or the major part of them, are hereby authorized and empowered to pay, by a tax to be laid, assessed, and levied, every year, on the inhabitants of said parish, in the same manner as the parochial and other taxes, are raised, levied, and paid: And the said justices and vestry, or the major part of them, are hereby empowered to remove such pound-keeper or pound-keepers, from time to time, as they shall think proper, and others to appoint in the stead and room of such person or persons, so displaced or dying; any thing herein contained to the contrary in anywise notwithstanding.

and of paying
the pound-
keepers 50*l.*
each *per an-*
num.

They may re-
move pound-
keepers.

III. And be it further enacted by the authority aforesaid, That all and every person or persons who shall, after the passing of this act, take up any stray or strays, or shall have the same in his, her, or their, custody or possession, for the space of forty-eight hours after they are so taken up, or shall be in his, her, or their, possession, and shall not deliver or cause to be delivered all and every such stray or strays, to the next pound-keeper in the same parish where they shall be so taken up, provided a pound or pounds shall have been erected, or pound-keeper appointed, in such parish, in order that the same may be impounded, and safely kept in such pound; all and every person or persons so neglecting shall, for every such offence, forfeit the sum of five pounds for each stray or strays of horses, mares, mules, asses, or horned cattle, that shall be so found in his, her, or their custody or possession after the said time, to be recovered in a summary manner before any magistrate of the said parish, by warrant of distress, and sale of the offender's goods and chattels; one moiety whereof shall be to the informer, and the other moiety to the churchwardens of such parish, for the use of the poor of the said parish.

Persons not
impounding
strays in for-
ty-eight
hours after
taken up, to
forfeit 5*l.* if
a pound is in
the parish.

IV. And be it further enacted by the authority aforesaid, That, upon delivery of each and every such stray or strays, by the person or persons so bringing the same to the said pound-keeper, he, she, or they, shall receive, and the said pound-keeper is hereby obliged to pay to such person or persons, for each and every such stray and strays, at and after the rate of one shilling and three pence *per mile*, to be computed from the place they were so respectively taken up, to the place where the said pound is kept, and no more; and in case the said pound-keeper shall not forthwith pay to such person or persons, so bringing such stray or strays, the said mile-money hereby directed to be paid, that, in default thereof, and upon complaint made,

Is 3*d.* per
mile to be
paid as mile-
money for
each stray.

If pound-
keeper refu-
ses payment;
he is to be

summoned
before a mag-
istrate,

and if con-
victed, for-
feit 5/.

If constable
does not exe-
cute the war-
rant, he for-
feits 5/.

Book to be
kept for en-
tering of
strays;

which may be
freely inspec-
ted, under
penalty of
40s.
and they
must be ad-
vertised three
months.

If pound-
keepers do
not furnish
strays with
sufficient food
and water,
they forfeit
10/ for each
offence.

made, upon oath, before one of the magistrates of the said parish; of such the neglect or refusal of such pound-keeper in the non-payment of such mile-money, he shall summon such pound-keeper or pound-keepers to appear before him, at a certain day to be appointed by the said magistrate, and upon his neglect of appearing, or upon the matter complained of being determined against the said pound-keeper, each and every such pound-keeper or pound-keepers, so neglecting to pay the said money, shall forfeit the sum of five pounds, to be recovered in a summary way, by warrant of distress, and sale of the offender's goods and chattels; one half of which forfeiture shall be to the informer, and the other half to be paid into the hands of the churchwarden or churchwardens, for the use of the poor of the said parish: Which warrant or warrants shall be directed to any lawful constable or constables of the said parish, who is hereby required to execute the same, under the penalty of five pounds, to be recovered in the summary manner as the above penalty is to be recovered against the said pound-keeper: And the said pound-keeper or pound-keepers, in each and every of the parishes in this island, shall keep a book or books, wherein shall be contained the stray or strays so to be delivered to him, with the names and marks of such stray or strays, as also the date when the same was delivered to him, and the persons' names who delivered the same, with the mile-money so paid for each stray or strays; and which book or books, shall be free for the inspection of any person or persons requiring the same, and that without fee or reward, under the penalty of forty shillings, to be recovered in a summary way before any magistrate of the said parish: And also to advertise the same, in the most particular and descriptive manner, for three months, by pound-keepers in the counties of Surrey and Middlesex in the Royal Gazette, and those in Cornwall in the Cornwall Chronicle, under penalty of ten pounds for every omission; and the said pound-keepers are hereby authorized to charge the expence of advertising to the proprietors of the strays.

V. And be it further enacted by the authority aforesaid, That, each and every pound-keeper do and shall find and provide, for the support of such stray or strays that shall be in his or their custody or possession, a sufficient quantity of good food and water; and in case the said pound-keeper or pound-keepers shall neglect or refuse to supply each and every of the said stray or strays, with sufficient food and water while they shall remain in their custody, as is in this act directed to be given to each of them, all and every such pound-keeper or pound-keepers shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds, to be recovered in a summary manner before any one of the magistrates of the said parish, in the same manner as the several other penalties in this act are directed to be levied in a summary way; one half of which forfeiture shall be given to the informer, and the other moiety shall be paid into the hands of the churchwarden of the said parish where the offence shall be committed, for the use of the poor

poor of the said parish; any thing in this act to the contrary in anywise notwithstanding.

VI. And be it further enacted by the authority aforesaid, That when the owner or proprietor of such stray or strays, or the person or persons claiming the same from the pound-keeper or pound-keepers, shall apply to have the same delivered to him, her, or them, he, she, or they shall, and are hereby obliged to, pay to such pound-keeper or pound-keepers the monies so by him advanced, for mile-money and advertising, for each and every stray so impounded as aforesaid; and also shall pay the further sum of one shilling and three pence per day to such pound-keeper, for each and every stray or strays, that shall have been in the custody or possession of such pound-keeper or pound-keepers, in lieu of all other demands, for the support of such stray or strays.

On strays being claimed, mile-money to be returned, and 1s. 3d. per day paid for their keeping.

VII. And be it further enacted by the authority aforesaid, That in case any pound-keeper, or other person or persons in his employ, shall presume to hire out, let, use, work, or employ, or shall suffer to be hired out, let, used, worked, or employed, upon any pretence whatsoever, any stray or strays which shall be under his care, by virtue of this act, all and every such pound-keeper, for each and every time such stray or strays shall be so hired out, let, used, worked, or employed, shall respectively forfeit the sum of ten pounds, to be recovered in a summary way before any justice of the peace of the parish where such pound shall be so erected, by distress and sale of the offender's goods and chattels; one moiety whereof shall be to the informer, and the other moiety to be paid into the hands of the churchwarden or churchwardens, for the use of the poor of the said parish.

If strays are worked, pound-keeper to forfeit 10/.

VIII. And be it enacted by the authority aforesaid, That when any stray or strays are brought to any of the said pound-keepers by any slave or slaves, such slave or slaves, before he or they shall be entitled to receive the mile-money, directed to be paid by this act for any such stray or strays, shall produce a certificate in writing, directed to the pound-keeper, from the owner or employer of such slave or slaves, or from the overseer of the pen or plantation to which he or they shall belong; in which certificate shall be described the stray or strays so taken up, and the place where the same was or were taken up, as also the number of miles such stray or strays have been brought to be impounded; and leaving with the said pound-keeper such certificate, the said pound-keeper shall forthwith pay the mile-money, at and after the rate directed by this act, to such slave or slaves, under the like penalty as for non-payment of the mile-money herein before-mentioned; any thing in this act to the contrary in anywise notwithstanding.

Slaves bringing strays, must shew certificates, before they are paid mile-money.

IX. And be it further enacted by the authority aforesaid, That in case no person or persons shall claim or apply for any of the said stray or strays,

If strays not claimed in three months, pound-keeper to inform a magistrate of the parish;

who is to give a month's public notice of selling them, on a day by him appointed, when pound-keeper is to sell them,

and pay proceeds to churchwardens (after deducting his expences and commission)

in twelve hours after sale, under pain of forfeiting double the sum accruing.

Pound-keeper must live at the pound; and he, or some white person, must constantly reside near it, under penalty of 40s. for each absence when strays are brought. No unsound beast to be received.

which shall be so impounded as aforesaid, to be delivered to him, her, or them, for the space of three months, to be computed from the day on which such stray or strays shall be so impounded, that it shall and may be lawful to and for the said pound-keeper, after the expiration of the said time, and he is hereby obliged and required, to apply to one of the magistrates of the said parish where such pound is erected, and inform him thereof; and such magistrate, upon such application, is hereby directed and required to give notice by advertisement in the Royal Gazette and Cornwall Chronicle for one month, that such stray or strays will be sold on a day to be appointed by such magistrate; on which day, so to be appointed, the said pound-keeper is hereby directed and required to put up to sale such stray or strays, and to sell the same for the best price or prices that can or may be had for the same; and the money arising from such sale he is hereby directed and required to pay into the hands of the churchwarden or churchwardens of such parish where the pound is erected, for the use of the poor of the said parish, first deducting thereout the monies that shall be due to such pound-keeper for the mile-money and advertising, as well as the money that shall be due to him for keeping and supplying such stray or strays, and all expences agreeable to the directions of this act, as also his commissions, at and after the rate of one shilling in the pound, on the monies for which such stray or strays shall be sold: And in case such pound-keeper shall not, within twelve hours after he or they shall have so sold and disposed of such stray or strays, pay over and deliver the remaining money that shall appear to be due from him, as the balance arising from such sale or sales after such deductions aforesaid, such pound-keeper and pound-keepers shall, for every such offence, respectively forfeit double the sum of money for which such stray or strays shall have been sold by him as aforesaid; to be recovered in a summary way before any one of the magistrates of the said parish, in the same manner as the several other penalties in this act are directed to be levied and assessed in a summary manner, until the whole thereof shall be paid into the hands of the churchwarden or churchwardens of the said parish; and which last-mentioned penalty shall be to the use of the poor of the said parish; any thing in this act to the contrary in anywise notwithstanding.

X. And be it further enacted by the authority aforesaid, That all and every such pound-keeper and pound-keepers shall be obliged to live and reside at the place where such pound shall be so erected and made; and that such pound-keeper, or some white person on his behalf, shall, and is hereby required, constantly to reside at such place near where the said pound shall be so made, under the penalty of two pounds for each time he shall be absent, when any stray or strays shall be brought to such pound; to be recovered in a summary way before any one magistrate of the said parish, for the use of the poor of the said parish: Provided, That no pound-keeper shall be obliged to receive any distempered beast of any kind.

XI. And

XI. And be it further enacted by the authority aforesaid, That all and every the penalties in this act mentioned, and not declared how they shall be recovered, shall be recovered in a summary way, before any magistrate of each and every of the several parishes in this island, where any of the offences in this act mentioned shall be committed, by warrant of distress, and sale of the offender's goods and chattels; and where no such distress or distresses can be found, to commit such offender or offenders to gaol, without bail or mainprize, until they shall have severally paid such respective penalty; one moiety whereof shall be paid into the hands of the churchwarden or churchwardens of such respective parish where the offence shall be committed, for the use of the poor of the said parish.

Recovery
and applica-
tion of penal-
ties.

C A P. XIV.

An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security; and for other purposes.

[12th December, 1798.]

WHEREAS, for want of proper regulations, very great inconveniencies and mischiefs arise from the non-execution and non-service of actions, warrants, writs of *scire facias* and *venditioni*, and other process, mesne and judicial, through the neglect, wilful default, corruption, and connivance, of the deputy-marshals, acting under the provost-marshal-general, in their several districts; and as no process of outlawry hath ever been in use in this island, to compel persons to appear and answer in any causes, civil or criminal, there is a stronger necessity for a careful and diligent service and execution of actions, writs, and warrants, for that purpose: And whereas divers other regulations are necessary, for making the process of the law more effectual and beneficial to the public, and with regard to the execution of writs of partition, writs of extent, and writs of emblement, and returns of jurors to serve in the supreme court of judicature of this island, and courts of assize: May it please your majesty that it may be enacted, and be it enacted by the lieutenant-governor, council, and assembly, of the said island, That when any action, warrant, writ of *scire facias*, or *venditioni*, or any precept thereon, is delivered or sent by the provost-marshal-general of this island to any of his deputies, in order that he should serve or execute the same, such deputy-marshal shall return such action, warrant, writ of *scire facias*, or *venditioni*, or the precept thereon, in convenient time for returning the same to the provost-marshal-general: And if it shall happen that such deputy-marshal hath not served or executed the same, but shall return pro-

Preamble.

Deputy-mar-
shals to re-
turn action,
or precept,
in convenient
time for send-
ing it to pro-
vost-marshal.

If writ has not been served, they must assign the true reasons in writing,

in such form as this, for process, &c.

or this, when *nulla bona* returned.

Provost marshal to file the reasons given,

which are to be produced in court, if complaint made.

Deputy marshals to swear to the truth of such returns.

cess, non est inventus, tarde, or any other return to any action, warrant, or *scire facias*, signifying the same hath not been served or executed, or *nulla bona* to any writ of *venditioni*, or precept thereon, so delivered or sent to him as aforesaid, such deputy-marshal is hereby required and directed, with every such return, to add and express in writing on the back of such action, warrant, or *scire facias, venditioni*, or precept, or in a particular schedule to be annexed to the same, the particular reasons for making such returns, in some such manner and form as follows: viz. *In case an action, warrant, or scire facias, or precept thereon, be returned process, tarde, or non est inventus, that the within or annexed action or summons, warrant, writ, or precept thereon, came to his hands but* *days* (expressing the number) *before the return; that it was impracticable for him, for that reason, to serve or cause the same to be served, the defendant living* *miles* (by computation) *from his the said deputy's residence, (if this shall be the case, otherwise such reasons to be expressed as the truth shall be), and is the cause of making such return; and in case of nulla bona returned by such deputy-marshal, he shall then add, return, and express, his particular reasons in writing, for making that return, on the back of such venditioni, or precept thereon, in manner and form as follows: viz. That the defendant hath no negroes, goods, or chattels, in his district, to his knowledge, or which he has received information of, whereupon he could make a levy, as required by the said writ or precept; or that the defendant, (if the case so shall be) on his deputy's going to his said plantation or dwelling, stood on his defence, so that he could not execute such writ or precept; or return such other particular reasons, as the truth shall be, of the cause of not executing such writ or precept, and of his making such return, according to the true intent and meaning of this act: And the provost-marshal-general is hereby also directed and required, in all cases where he shall return process, tarde, non est inventus, or nulla bona, to any actions, warrants, writs of scire facias, or venditioni, (if the same, or any precept thereon, shall have been delivered or sent to any deputy-marshal to serve or execute) carefully to file the deputy-marshal's reasons so to be returned as aforesaid, of his the said deputy's return, and for not serving or executing the same; which reasons, so filed, are to remain records free for the inspection and examination of all persons who shall desire to see the same; and that, upon complaint, the same or any of them be produced by the provost-marshal-general in court, whenever any order of the court shall be made for that purpose, that it may appear to the court that such return and non-service or non-execution was not through the wilful default, neglect, corruption, or connivance of the deputy-marshal, who otherwise ought to have served or executed the same: And each and every deputy-marshal is hereby required to make oath, in the supreme court of judicature, of the truth of such reasons as he shall add, return, or express, in writing, with his particular return of process, tarde, non est inventus, or nulla bona, to the provost-marshal-general, on such actions, warrants, writs of scire facias, or venditioni, as he shall have had delivered or sent to him, and which he was not able to serve or execute, for such reasons so*

so to be returned as aforesaid, in the same manner the deputy-marshals make oath of the truth of the returns to such actions which are duly served.

II. And be it enacted by the authority aforesaid, That the provost-marshal-general for the time being shall keep a particular book, or register, of all actions delivered in his office for service, and of all bench-warrants, and warrants from the chief justice or any other of the justices of the supreme court, and the attorney-general, and of all writs whatsoever, mesne or judicial, in which the names of the defendants shall be first entered in an alphabetical manner, and then the names of the plaintiff or plaintiffs, together with the day when such action or summons, warrant or writ, was lodged in the said office; which said register is to be free and open for the inspection of all persons.

Provost-mar-
shal to keep
an alphabeti-
cal register of
all actions,
warrants, &c.

to be freely
inspected.

III. And be it further enacted by the authority aforesaid, That the provost-marshal-general shall be paid and allowed as a fee, on executing every bench-warrant, or warrants of the chief justice, or any other of the justices of the supreme court, or of the attorney-general, the sum of twenty shillings, together with mile-money, at the rate of one shilling *per* mile for the first twenty miles, and six pence *per* mile for every mile above twenty.

Fees for
bench-war-
rants, attor-
ney-general's
warrants, &c.

and mile-
money.

IV. And be it further enacted by the authority aforesaid, That the deputy-marshals, in the several districts, do use their utmost diligence in the legal and due service and execution of all actions, warrants, precepts, and process whatsoever, that shall be delivered or sent to them by the provost-marshal-general; and in case of any gross neglect of their duty, default, corruption, or connivance, in or concerning the non-service and non-execution of the premises, (the same being made appear to the said supreme court) against either of them, the same court, on consideration had, shall, in such cases as shall be judged deserving of it, impose a fine not exceeding twenty pounds for every particular offence, or dismiss such deputy-marshal from his service under the provost-marshal-general in that capacity; and such deputy, so dismissed, is hereby rendered incapable of serving as a deputy-marshal again, unless by the permission of the supreme court first had and obtained, and entered of record by the clerk of the crown in the said court.

Deputy-mar-
shals must be
diligent in
execution of
process;

otherwise
grand court
may fine
them 20*l*.

or dismiss,
and incapaci-
tate them.

V. And be it further enacted by the authority aforesaid, That the provost-marshal-general do deliver to the attorney-general and receiver-general, the second Wednesday in every supreme court, a true list of all actions, writs, and process, lodged in his office, with a copy of the return made to each of them in the said court, and of all fines and monies received by him, in which his majesty and the revenue of this island are anywise interested or entitled, either in the whole or any part thereof, and not before delivered in to the attorney-general and receiver-general.

Provost mar-
shal to deliver
lists of all ac-
tions, fines,
&c. to attor-
ney and re-
ceiver gene-
ral. the se-
cond Wed-
nesday in
each grand
court.

VI. And

When *venditioni exponas* lodged, and levy in part made, provost-marshal to make return of the particular sum ;
and to specify if there are any, and what prior writs ;

for which he is to be paid 5s.

When payments made on writs, in whole or in part, they are to be certified in two months to provost-marshal, and entered in his books.

A list of inhabitants of each parish to be made out yearly, between 1st January and 1st May,

VI. And be it further enacted by the authority aforesaid, That, whenever any writ of *venditioni exponas* shall be sued out, and lodged with the provost-marshal-general, and the debt or damages therein mentioned, or any part thereof, shall be levied on the negroes, goods, and chattels, of the defendant, according to the exigency of such writ, the provost-marshal-general is hereby directed and required to make return to the same, either on the back of the said writ, or in a schedule to be thereunto annexed, of what money in particular he has levied by virtue of that writ ; and if there shall be any writ or writs of *venditioni* lodged in his office, for the satisfaction whereof the monies so levied on such *venditioni* ought to be applied, according to their legal priority, that then, and in such case, the provost-marshal-general is hereby directed and required, to specify particularly in the said return all and every such prior writ or writs of execution and *venditioni*, expressing therein the plaintiffs names and the several sums directed to be levied, according to their respective priorities ; for which return the said provost-marshal-general shall be paid and allowed the sum of five shillings : And when any person shall have lodged any writ or writs of execution or *venditioni* in the provost-marshal-general's office, and shall afterwards receive payment or satisfaction for the debt or damages mentioned in such writ, or any part of the same, from the defendant or any other person on his behalf, such person, his substitute or attorney, having authority to receive the same, is hereby required, in the space of two months after such payment or satisfaction, to certify the same to the provost-marshal-general, who shall enter the same in his books, in discharge of such writ or writs, in part or in the whole, according as such payment shall be.

VII. And whereas, for want of proper lists of the freeholders and others, who are fit and qualified to serve as jurors in the said supreme court of judicature and courts of assize, great numbers of persons who ought, and by law are liable, to serve, are never returned for that purpose, whereby the duty is become very unequal, and frequently falls, more especially as to the petit jury, on many persons who are incapable of such a service, from the straitness of their circumstances, without prejudice to their families, and sometimes on such who are even under the necessity of applying for protections, to enable them with freedom to pass as jurors in all causes of the crown, and between party and party, and to be determined in the said courts : For the prevention whereof, Be it enacted by the authority aforesaid, That the justices and vestry in every parish, and in those parishes where there is no vestry the justices, and in those parishes where there are no justices the vestrymen, once every year, *videlicet*, between the first day of January and the first day of May in every year, do cause an exhibit list to be made by the clerk of the vestry, or by the clerk of the peace of any parish where there is no clerk of the vestry attending them, of all persons inhabiting in their respective parishes, freeholders and others, (in which the said justices and vestrymen are to be included) distinguishing the several occupations, possessions,

possessions, [*professions*] and offices, and each of them, in order that all persons, not exempted by law, may be returned to serve on juries: And, to the intent that the same may be rendered a more equal duty than it has hitherto been, and that the justices and vestries, and justices where there is no vestry, and the vestrymen where there are no justices, do subscribe such list, together with a duplicate thereof, and that they transmit the same, with the duplicate, to the chief justice of this island, by the first day of May in every year: And in case of default of the said justices and vestries as aforesaid, the justices, and each and every of them, shall incur the penalty of fifty pounds for each default; and the vestrymen, for such default, shall, each and every of them, incur a penalty of thirty pounds: And in case the clerks of the respective vestries, or the clerks of the peace in every parish where there is no clerk of the vestry, shall neglect to make out such exhibit list, and to transmit the same within the time limited, as herein-before directed, such clerk of the vestry, or clerk of the peace as aforesaid, shall incur the penalty of fifty pounds, for every such neglect; which duplicates are to be sent to the provost-marshal-general, and the original lists, or duplicates thereof, to be filed in the office of the clerk of the said supreme court; and, after the receipt of the said original lists, or duplicates, the provost-marshal-general is hereby directed and required, to form his panels of jurors, to be returned at every supreme court of judicature, or court of assize, on the general writs of *venire facias* directed to him, in such manner and form, that the services on juries may be rendered as equal as may be, to all persons so to be returned in the lists, and duplicates thereof, as aforesaid.

and, with a duplicate, be signed by justices, &c.

both of which are to be sent to chief justice, by 1st May, under penalty of 50*l.* on justices, 30*l.* on vestrymen, and 50*l.* on clerks of peace or vestry.

Provost-marshal to form panels from them in the most equitable manner.

VIII. And whereas delay of justice and many inconveniencies have arisen in the courts of quarter-sessions and common pleas, in the several parishes and precincts in this island, by the provost-marshal or his lawful deputies returning on the *venire* persons under age, indented servants, and others unqualified to serve as jurors in the said courts: Be it enacted by the authority aforesaid, That the justices of the peace in the several parishes in this island, on issuing the warrants for the quarterly givings-in, shall particularly direct, that, in the lists of the white persons so to be given-in, it shall be distinguished who are minors or indented servants; and that the clerk of the vestry of each parish shall, within twenty days after each quarterly giving-in, transmit a list of all the white people (except such minors or indented servants) to the provost-marshal, or his lawful deputy, in order that effective jurors may be by him returned to the said courts.

Minors and indented servants are to be distinguished, when given-in, and omitted from the lists sent quarterly to provost-marshal.

IX. And whereas divers persons have set up pretensions, under fundry commissions and appointments to offices, and also under pretence of having heretofore served and executed the same, to be exempted from serving on juries: Be it enacted by the authority aforesaid, That no person whatsoever shall be exempted from serving on juries, on account of any commission or appointment to any office whatsoever, or having heretofore executed the same

None to be exempted from service on juries, but those here specified.

same, unless in such cases the laws of that part of Great-Britain called England authorize exemption; the members of his majesty's council for the time being, or persons who have executed the office of chief justice, and the persons resident in the town of Port-Royal, only excepted.

Supreme court may order special juries to be struck.

X. And whereas some doubts have been conceived, touching the power of the supreme court of judicature to grant special juries, for the trial of issues in causes or suits in the said court, and also in the courts of assize: Be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, it shall and may be lawful to and for the said supreme court of judicature, on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit, whatsoever, depending or to be brought in the said court, and to be tried in that court; or in either of the courts of assize, and the said supreme court is hereby authorized and required, upon motion as aforesaid, to order and direct a special jury to be struck, for the trial of any issue joined in any such action, cause, or suit, and triable by a jury of twelve men, in such manner as special juries have been, and are usually, struck upon trials in the said courts; which jury, so struck as aforesaid, shall be the jury returned for the trial of the said issue.

Person applying for a special jury to pay expenses,

unless judges certify such jury was necessary.

XI. And be it enacted by the authority aforesaid, That the person or party who shall apply for a special jury, shall bear and pay the fees for striking such jury, and all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be entitled unto, in case the cause had been tried by a common jury, unless the judges or justices before whom the cause is tried shall, immediately after the trial, certify in open court under their hands, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Special jurors to be allowed one guinea each, to be paid by applicant.

XII. And be it enacted by the authority aforesaid, That every person who shall serve upon any special jury shall be allowed, for serving on such jury, the sum of one pound twelve shillings and six pence, and no more; to be paid him by the person or party applying for such special jury.

Persons refusing to be examined under commission from judge of grand court, &c. issued according to 38 Geo. III. Cap. 23, forfeit 100/.

XIII. And be it enacted by the authority aforesaid, That in case any person shall refuse to be examined as a witness, under any commission issued from any judge of the supreme court of judicature, or justice of assize, under and by virtue of an act, passed in the year of our Lord one thousand seven hundred and ninety-seven, entitled, *An act for the ease and relief of jurors and suitors of the supreme and certain other courts within this island; and for other purposes*, the person so offending shall forfeit the sum of one hundred pounds; to be recovered in the said supreme court, or any court of assize, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, or injunction, shall be granted or allowed, or *non vult ulterius prosequi* be entered;

entered; one moiety whereof shall be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety thereof to the party or parties injured, who shall sue for the same.

XIV. And be it enacted by the authority aforesaid, That any person or persons convicted in the said supreme court of judicature, or either of the courts of assize, of wilful and corrupt perjury, in any examination or examinations so to be taken, on oath or affirmation, or under any commission to be issued under the said herein-before mentioned act, he, she, or they, shall be punished as persons convicted of wilful and corrupt perjury; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

False testimony so given to be punished as wilful perjury.

XV. And whereas the provost-marshal-general is bound by law, on all writs of partition, to go in his own proper person to the lands, tenements, and premises, to be divided, to make such partition in manner and form as the law requires, which, from the extent of this island, is not practicable for him to do; and when such partitions are made by his deputies, the same are liable, for that reason, to be set aside, to the great vexation of divers joint tenants, and tenants in common, who have already sued for a partition, or shall hereafter sue for that purpose: For remedy whereof, Be it further enacted by the authority aforesaid, That in all partitions to be made by writ, when the provost-marshal-general cannot attend in person, pursuant to the judgment in partition, and the exigency of the writ that issues thereon, he shall appoint, by warrant under his hand and seal, some proper person residing in the parish, or near where the lands, tenements, and premises, shall lie, to make partition in his place and stead, between the parties, in the presence of any one or more justices of the peace, who shall attend for that purpose, at the instance and request of either of the parties between whom the said partition is to be made; which partition, to be thereon made, shall be good and effectual in law, and final judgment shall be given thereon, the provost-marshal-general returning such writ, with the execution thereof, specially to the court, in the same manner as if the provost-marshal-general had made such partition thereon, in his own proper person.

Provost-marshal to give authority to make partition, when he cannot attend in person.

Partitions so made to be valid, provost-marshal returning writ specially.

XVI. And be it further enacted by the authority aforesaid, That whosoever shall not do his duty, and comply with the direction of this act, or offend against the true intent and meaning of the same, shall, for every such offence, forfeit the sum of fifty pounds to his majesty, his heirs and successors, to be applied towards the contingent charges of the government, and to be recovered by information in the said supreme court of judicature of this island.

If any persons neglect the duty hereby required, they forfeit 50*l*.

XVII. And whereas writs of extent, writs of partition, and writs of emblement, have been frequently returned "not executed," by reason of the

Authority given to justices to fine absent jurors on writs of extent, emblement, or partition, to amount of 10*l*.

persons warned to serve as jurors, having neglected to attend at the execution thereof, to the great detriment and expence of suitors: For remedy whereof, Be it enacted by the authority aforesaid, That in case any person who shall be warned to serve as a juror, at the execution of any writ of extent, writ of emblement, or writ of partition, shall neglect or refuse to attend, having been duly served with notice so to do, shall forfeit the sum of ten pounds; to be recovered in a summary way, by warrant under the hand and seal of any one justice of the peace, and to be applied to the use of the poor of the several parishes, where such penalty shall be recovered.

Crown-witnesses sent to gaol, to be paid 5*s*. per day.

XVIII. And whereas it has frequently happened that the evidences of the crown in criminal matters, who have not been able to find bail for their appearance at the supreme court, courts of assize, or any other court competent to try criminal causes, have been sent to gaol in order to ensure their appearance to give evidence: And whereas the sum at present allowed to persons in that unfortunate situation, is by no means sufficient for their support: Be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, whenever it shall happen that any witness for the crown in any criminal prosecution shall be committed to gaol, for want of sufficient bail for his appearance to give evidence, that the marshal or keeper of such gaol, where such witness shall be so confined, shall pay to such witness, during his confinement as aforesaid, the sum of five shillings current money of this island, for each day he or she shall be so confined; and the receiver-general for the time being is hereby directed to repay to such marshal or gaol-keeper, all and every sum and sums of money, which such marshal or gaol-keeper shall so pay to such person or persons, who shall be so confined on the account aforesaid, out of any monies in his hands unappropriated.

Penalties above 20*l*. how to be recovered and applied.

XIX. And be it further enacted by the authority aforesaid, That all penalties exceeding twenty pounds, in this act mentioned, and not declared how the same shall be recovered, shall be recovered in the supreme court of judicature, or any court of assize, by action of debt, bill, plaint, or information, wherein no *effoin*, *wager of law*, or *injunction*, shall be granted, or *non vult ulterius prosequi* be entered or allowed; and shall be applied to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof.

This act to be in force till Dec. 1805.

XX. And be it further enacted by the authority aforesaid, That this act, and every thing therein contained, shall be, and continue in force, from the passing thereof, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

CAP. XV.

An act for laying a duty on all wines, and upon brandy, gin, rum, and other distilled spirits, retailed within this island; and for laying a further tax on licenses to be granted for the retailing of brandy, gin, rum, and other distilled spirits, and on the public offices; and for applying the same to several uses—In force until 31st December, 1799.—[21st December, 1798.] ANNUAL.

CAP. XVI.

An act for raising a tax on land within this island, and applying the same to the public service.—In force until 31st December, 1799.—[21st December, 1798.] ANNUAL.

CAP. XVII.

An act for continuing so much of the present law, commonly called the Poll-Tax Law, as relates to the tax on trades, supercargoes, and masters of vessels, for three months longer.—In force until 31st March, 1799.—[21st December, 1798.] EXPIRES.

CAP. XVIII.

An act for continuing an act, commonly called the Deficiency Law, for a certain time longer.—In force until 31st March, 1799.—[21st December, 1798.] EXPIRES.

CAP. XIX.

An act for the more speedy and effectual collection of the public taxes, and the arrears thereof.

[21st December, 1798.]:

WHENCEAS it is necessary, for the support and maintaining the honour of government, that the several public taxes laid, or to be laid, for supplying the exigencies thereof, should be speedily and effectually raised and collected, and all the arrears of such taxes as shall, at any time, remain outstanding and uncollected, be levied and gathered in: We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's island, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, it may and shall be lawful, for the justices and vestry of each and every parish in this island, at some convenient time, not later than the twenty-eighth day of March in every year, to appoint and hire a constable and constables, for

Preamble.

Justices and vestry may hire collecting constables, at 100^l. per annum salary.

the collecting and levying the public taxes, at any salary or salaries, not exceeding in the whole one hundred pounds *per annum*.

Proviso.

No person to be a collecting constable, who is not twenty-one years of age,

under pain of two months imprisonment.

No clerk of the vestry to be collecting constable, except in St. David's.

Appointment of collecting constables to be notified to the receiver-general, within a stated time; or the contrary.

In case of non-appointment by the vestry, receiver-general to appoint.

II. Provided nevertheless, and be it enacted, That it shall not be lawful to elect or appoint any person to the office of collecting constable, or for any person to act as collecting constable, under any act now in force, or hereafter to be in force, for raising any monies within this island for the public service, who is not of the age of twenty-one years and upwards; and, that any person who shall be elected or appointed, to act as collecting constable in any parish or precinct in this island, and, not being of the age as is herein required and directed, shall proceed to act as collecting constable, shall be liable to suffer two months imprisonment for every such offence, without bail or mainprize, upon conviction thereof before the court of quarter-sessions of the precinct wherein the offence shall be committed; any thing in this or any other act, law, custom, or usage, to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That no person acting as clerk of the vestry in any parish (the parish of St. David excepted) shall be capable of being appointed collecting constable, under this or any other act, any thing to the contrary, in any act, notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the clerk of the vestry of each and every parish in this island shall, under the penalty of fifty pounds for every neglect, within ten days after the twenty-eighth day of March, in each and every year, certify to the receiver-general for the time being, the name or names of the person or persons so appointed collecting constable or constables as aforesaid, by the justices and vestry of the parish of which he shall be the clerk; and, in case the justices and vestry of such parish shall not, or cannot, hire or appoint a collecting constable or constables, then such clerk of the vestry shall, within the time aforesaid, under the like penalty of fifty pounds, give notice to the receiver-general for the time being, of the neglect or inability of the justices and vestry, to make such appointment of a collecting constable or constables as aforesaid.

V. And be it further enacted by the authority aforesaid, That in case the justices and vestry of any parish in this island shall neglect, or shall not be able, to appoint or hire a collecting constable or constables, and notice thereof be given, as is herein-before directed, to the receiver-general for the time being, then such receiver-general is hereby empowered and required to appoint one, qualified as by this act is directed, for such parish; and the person so appointed shall have the same power and authority, and receive the same profits, and the same salary (he having first given security to the receiver-general in the manner hereafter directed), and shall, as well as his security or securities, be liable to the same penalties, and be proceeded against at law in the same manner, as if he had been appointed by the justices and vestry.

VI. And

VI. And be it further enacted, That whenever the receiver-general shall appoint a collecting constable as aforesaid, the justices and vestry of the respective parishes, for which such collecting constable shall be so appointed, shall be, and they hereby are, obliged, under the penalty of fifty pounds, to be forfeited by each such justice and vestryman, to pay, or cause to be paid, by the acting churchwarden or churchwardens, a sum not exceeding one hundred pounds to such collecting constable, as his salary, for collecting the taxes for the year for which he shall be appointed, out of the parochial taxes of such parish, in the same manner as if such collecting constable had been appointed by such justices and vestry themselves; and such justices and vestry are hereby authorized, empowered, and required, to lay an additional parochial tax, to the amount of the salary aforesaid, for the payment of the same.

Those appointed by receiver-general, to be paid by the vestry.

VII. And be it further enacted by the authority aforesaid, That, upon the appointment of each and every collecting constable, whether by the justices and vestries of the several and respective parishes, or by the receiver-general for the time being, the needful security, required to be given by each and every of the said collecting constables, shall be satisfactory to, and approved by, a board of the commissioners appointed, or hereafter to be appointed by law, to inspect the books of the receiver-general, and to settle and adjust the public accounts, before such security shall be admitted or accepted of, and shall be laid before them, on or before the first day of May, in each and every year, so long as this act shall continue to be in force; and, after such approbation, the original security-bonds shall be immediately sent, duly proved, and delivered to the receiver-general, under the penalty of two hundred pounds, on each and every person so appointed a collecting constable, for every such neglect.

Collecting constables, in either case, to give approved security.

VIII. And be it further enacted by the authority aforesaid, That the receiver-general for the time being shall, under the penalty of five hundred pounds for each and every neglect, on or before the twenty-second day of May, in each and every year, during the continuance of this act, cause notice to be given, in writing, to the clerk of the vestry of each and every parish in this island, that the person or persons appointed collecting constable or constables for such parish, hath or have given the security required, in the manner herein-before directed, for the due execution of his or their office, in the collection of the public taxes and quit-rents committed by law to his or their charge; which written notice, every such clerk of the vestry is hereby required, under the penalty of fifty pounds for each and every default, to lay before the justices of the peace, to whom he shall present the rolls of the several assessments of public taxes and quit-rents, to be issued for levy according to law, at the same time that he shall apply to such justices for their signing and sealing the warrants annexed to such rolls.

Receiver-general to give written notice of such security being received, to clerk of vestry.

Penalty on justices for signing warrants before such notice, and on collecting constables for acting before they give security.

IX. And be it further enacted by the authority aforesaid, That if the justices of the peace of any parish in this island, shall sign any warrant to the collecting constable or constables of such parish, either to collect any public taxes or quit-rents, or to distrain for them, or any of them, before such collecting constable or constables hath or have duly given security to the receiver-general, in the manner herein-before directed, such justices, so signing, shall forfeit and become liable for, jointly and severally, the whole amount of the sums charged in the roll or rolls to which such warrant or warrants shall be annexed, and shall be liable to be proceeded against at law, in the same manner as if they had actually become bound to be the sureties of such collecting constable; and in case any such collecting constable, not having so given security, shall proceed to act by virtue of any such roll and warrant, he shall forfeit the sum of five hundred pounds for every such offence.

Collecting constables empowered to collect taxes, and to distrain on goods, &c. of delinquents.

X. And be it further enacted by the authority aforesaid, That all and every such collecting constable and constables, to whom any roll and warrant shall be delivered, for collecting and levying any taxes, laid and assessed by the justices and vestry of any parish in this island, in pursuance of any act passed, or to be passed, during the continuance of this act, for raising money for the public service, and in the manner directed and declared by such act, shall be, and hereby are, empowered and required to collect and gather in, from all and every person or persons named therein, all such sum and sums of money as they shall respectively stand charged with; and, to remove all excuses from the said collecting constables, for not collecting such taxes, they, and each of them, are hereby empowered to distrain on all and every the goods, chattels, and slaves, of such person or persons who shall refuse to pay such assessments as aforesaid (provided nevertheless, that it shall not be lawful to distrain on any slave, where any other distress may or can be had); and the distress and distresses then and there found to sell at public outcry, returning the overplus, if any, to the owner thereof, after the deduction of one shilling in the pound out of such sale, for the trouble of such collecting constable or constables, and all the reasonable expences that he or they shall have been put to, in the keeping and maintaining the said distress or distresses: Be it nevertheless provided, That such sale of goods, chattels, or slaves, at public outcry, shall not in anywise be deemed lawful, unless such collecting constable shall advertise all such levies made by him, in the manner directed in and by the eighth clause of an act entitled, *An act for the ease and relief of jurors and suitors of the supreme and certain other courts within this island, and for other purposes*, passed in the year one thousand seven hundred and ninety-seven, and unless he shall also give fourteen days notice of such intended sale, by publishing an account of the goods, chattels, or slaves, so distrained, and also the hour of the intended sale, in a paper to be fixed up in the most noted and public place in the parish.

Proviso.
Sales of levies to be advertised, as directed by 38 Geo. III. cap. 23, cl. 3.

XI. Provided

XI. ~~Prohibited~~ always, and it is hereby enacted by the authority aforesaid, That, from and after the passing of this act, upon any sale or sales being made, in manner aforesaid, by any collecting constable, of any slave or slaves, or any goods or chattels, levied on in pursuance of the authority hereby given, the bill of parcels given by such collecting constable, to the purchaser or purchasers of such slaves, goods, or chattels, that shall be so levied on, and duly proved and recorded in the secretary's office of this island, shall, in any action or suit to be brought, in any of the courts of this island, be received as evidence of title to such slave or slaves, goods or chattels, that shall be so levied on; but, on proof of any fraud, covin, or collusion, between such collecting constable, and the purchaser or purchasers of such slave or slaves, goods or chattels, that shall be levied on, such sale or sales shall be void, to all intents and purposes whatsoever.

Proviso.

In such sales, bill of parcels, duly recorded, to be a good title.

On proof of fraud, sales to be void.

XII. And be it further enacted by the authority aforesaid, That the said collecting constables of the several parishes in this island shall, henceforward, be liable for the whole amount of all and every such sum and sums of money, as shall be charged in the several and respective rolls of assessment of public taxes, that shall be delivered to them for levy, unless they shall shew good and sufficient cause, upon oath, to the satisfaction of the judges of the supreme court of judicature, that it was not in their power to receive or distrain for the said several taxes, or any of them; or unless they shall have been relieved therefrom by the justices and vestry, of the respective parishes for which they shall have been appointed collecting constables, in the manner hereafter mentioned; any law, custom, or usage, to the contrary notwithstanding.

Collecting constables liable for amount of the rolls, unless duly relieved.

XIII. And be it further enacted by the authority aforesaid, That in case any person or persons shall apply to the justices and vestry of any parish in this island, at their first quarterly vestry meeting after demand shall have been made of him or them of the payment of any public tax, charged in any tax roll delivered to any collecting constable for levy, and make it appear, on oath, to such justices and vestry, to their satisfaction, that he or they hath or have been over rated or assessed, by mistake of the clerk of the vestry, or any other means, it shall be lawful for the said justices and vestry, to relieve such person or persons from such over-charge, by certificate to the receiver-general, under their hands, attested by the clerk of the vestry of such parish; which certificate shall contain the grounds on which such relief has been granted, for the information of the commissioners appointed, or to be appointed, by law, to settle and adjust the public accounts; and the amount of all such relief, as aforesaid, shall be allowed by the receiver-general, in lieu of so much paid by the collecting constable, on account of the roll or rolls delivered to him for levy, on which the sums so relieved from stand charged and assessed.

Persons over-rated in the tax-rolls may apply to vestry for relief; which may be granted by certificate, and be allowed by receiver-general.

When persons indebted for taxes or rum duties remove from one parish to another, without paying them, the collector to be relieved, and the debt transferred to the place of removal, to be recovered.

XIV. And whereas, it hath happened, that several inhabitants have removed out of the parishes where they stood charged with public taxes, or duties payable under the rum law, by which means the collecting constable or constables, or the inspectors and collectors of the said duties, have not been able to distrain for such public taxes, or duties payable under the rum law, as were due from them: Be it enacted by the authority aforesaid, That, upon oath being made of the removal of any such person, by a collecting constable, or by the inspector and collector of the duties payable under the rum law, of any parish, to the justices and vestry of such parish, and that he hath not been able to find any effects belonging to such person, within the parish or precinct wherein he hath authority to levy, whereon to distrain; and that such person hath removed his effects into some other parish, in such affidavit to be specified, according to the best of the knowledge, information, and belief, of such collecting constable, or of such inspector and collector, the justices and vestry of such parish, where such public taxes, or duties payable under the rum law, are due, shall relieve such collecting constable, or such inspector and collector, therefrom, by certificate to the receiver-general, in manner aforesaid; and shall certify such taxes, or duties payable under the rum law, so due, under their hands, to the justices and vestry of the parish, whither such person as aforesaid is removed; who are hereby empowered and directed to cause to be issued a roll, with a warrant annexed, for levying thereof, to the collecting constable, or to the inspector and collector of the duties payable under the rum law (as the case may be), of their parish; who shall hereby be obliged to collect and levy, and when so collected and recovered, to pay over, the amount of such public taxes, or duties payable under the rum law, to the receiver-general for the time being, retaining to himself the usual commission, allowed by law, for collecting the same, under the penalty of fifty pounds for each and every default.

Parish whither removal is made, to be charged with such taxes or rum duties, and the receiver-general notified.

XV. And be it further enacted, That the parishes to which such persons as aforesaid shall remove, or wherein they shall have effects, shall, in the public books, thenceforth stand charged with all such accounts of public taxes, and duties payable under the rum law, as shall be so transmitted by certificate; and that, when any accounts of such public taxes or duties shall be so transmitted, the clerk of the vestry of the parish from which any person shall have removed, shall immediately send a copy of the same to the receiver-general, to enable him to charge the collecting constable, or the inspector and collector of the duties payable under the rum law, of the parish into which such person hath removed, therewith.

Sureties of collecting constables liable for their

XVI. And be it further enacted by the authority aforesaid, That all and every person or persons, becoming bound as sureties for any of the said collecting constables, shall henceforward be liable to, and answerable for, the default of such collecting constables, to the whole amount of all and every sum and sums

sums of money, which may or shall be due, outstanding, uncollected, or unaccounted for, in manner aforesaid, upon the said respective rolls delivered to them for levy: ~~Provided always nevertheless,~~ That it shall be lawful for the justices and vestry of any parish in this island, upon proof being made to them, to their satisfaction, on the oath of any collecting constable or constables of such parish, within twelve calendar months from the time of issuing any public tax-roll for levy, that it was not in his or their power to receive, or distrain for, any of the said public taxes charged therein, to grant such collecting constable or constables a certificate of relief, in the manner herein-before directed, and which shall be admitted and taken by the receiver-general, as a payment, in manner aforesaid.

default, unless relieved on proof that such taxes could not be distrained for.

XVII. And whereas many collecting-constables have neglected to collect the public money, and have been suffered to deliver over the rolls to those who have been appointed for the succeeding year, to the great detriment of the public: ~~Be it therefore enacted by the authority aforesaid,~~ That hereafter no collecting constable, who is possessed of any roll for collecting any public tax or quit-rents, shall be discharged from his office of collecting constable, until he shall have duly paid over, or accounted for, according to law, to the receiver-general for the time being, all and every the sum and sums of money which have been charged, in all and every the roll or rolls delivered to him at any time for levy, to the satisfaction of a board of the commissioners appointed, or to be appointed, by law, to inspect the books of the receiver-general, and to settle and adjust the public accounts, and shall have received their certificate of the same.

No collecting constable to be discharged, until he accounts duly for the rolls, with commissioners of accounts.

XVIII. And be it further enacted by the authority aforesaid, That whenever any collecting constable, appointed for collecting and levying the public taxes, shall die, before the year for which he shall have been so appointed is expired, or before he shall have collected and levied all the sum and sums of money, charged in the several rolls delivered to him, or shall have duly accounted for the same, his surety or sureties, or his or their executors or administrators, shall be authorized to apply to the justices and vestry, of the parish for which such collecting constable as aforesaid, deceased, was appointed, who are hereby empowered and required to substitute his surety or sureties, or his or their executors or administrators aforesaid, or some one of them, or some person in their behalf, being legally qualified, whom they shall desire, with the approbation of such justices and vestry, to be so appointed in the stead of such collecting constable deceased, with the same authority as such collecting constable himself had, and with no more salary than he would have been entitled to, provided that he had lived till the year for which he was appointed was fully ended and completed, and without any new security being required from such substitute or substitutes; and such substitute or substitutes shall be entitled to an arrearage roll or

In case of death of collecting constable, within the year, his sureties to nominate another in his room.

rolls, in the same manner as the collecting constable, in whose stead he or they shall be appointed, would have been, in case he were still living.

Taxes omitted to be assessed, must be laid on next quarterly vestry-day, though the time may be elapsed.

XIX. And, in case any parish shall have omitted to assess, levy, and collect, any public tax or taxes, which the justices and vestry of such parish are, or shall be, by any law or laws, directed and required to collect and levy, until after the time appointed by such laws for assessing, collecting, and levying such taxes is elapsed, be it enacted by the authority aforesaid, That the justices and vestry of such parish shall be obliged, at their first quarterly meeting thereafter, to inquire into such omission and neglect; and, notwithstanding such time shall be elapsed, shall forthwith proceed, and they are hereby authorized and required to proceed, to assess, collect, and levy, all such taxes, pursuant to the several laws so neglected to be executed, under the several penalties inflicted by such laws respectively.

Collecting constables, and their sureties, to be sued for all arrears of taxes to 1st January, 1797, if not paid by 31st January, 1799;

XX. And whereas large sums of money remain due, outstanding, and uncollected, of the public taxes for many years past, from whence great inconveniencies have arisen: Be it enacted by the authority aforesaid, That all and every person and persons, who have been appointed, and taken upon themselves to act as, collecting constables of the public taxes, in the several parishes of this island, before the first day of January, in the year of our Lord one thousand seven hundred and ninety-seven, who shall not have fully paid, or accounted for, to the receiver-general, on or before the thirty-first day of January next, to the satisfaction of a board of the commissioners appointed, or to be appointed, by law, to inspect the books of the receiver-general, and to settle and adjust the public accounts, the amount of all and every roll and rolls delivered to them, for collecting and levying any public taxes, they, and their sureties, shall be proceeded against, at the next ensuing supreme court, in the summary manner by law directed.

and for arrears of 1797, if not paid by 10th May, 1799.

XXI. And be it further enacted by the authority aforesaid, That the collecting constable or constables of each and every parish in this island, to whom any arrearage-roll hath been delivered, for collecting and levying the arrears of any public tax or taxes, laid for the year one thousand seven hundred and ninety-seven, remaining due, outstanding, and uncollected, in pursuance of the *Act for the more speedy collection of the public taxes, and the arrears thereof*, passed in the said year, shall be, and hereby are, required and enjoined to pay over, or duly to account for, the amount of all such rolls, to the receiver-general, on or before the tenth day of May, in the year one thousand seven hundred and ninety-nine; and that every collecting constable who shall fail so to do, he, and his sureties, shall be proceeded against by the receiver-general, at the next ensuing supreme court, in the summary manner directed by law.

XXII. And

XXII. And be it further enacted by the authority aforesaid, That the justices and vestry of each and every parish in this island, who shall have neglected to issue an arrearage roll or rolls for collecting and levying such public taxes, laid for the year one thousand seven hundred and ninety-seven, as remain due, outstanding, and uncollected, as is directed in and by the act aforesaid, *for the more speedy collection of the public taxes, and the arrears thereof*, passed in the said year, shall, and they are hereby directed and required, under the penalty of twenty pounds on each justice and vestryman neglecting so to do, within sixty days after the twenty-eighth day of December, in this present year, to cause such arrearage-rolls to be made out, in the manner directed to be done, in and by the act aforesaid, by the vestry of each and every parish in this island, appointed to receive the givings-in, for the quarter ending the twenty-eighth day of September last; and that such arrearage-rolls shall be final and conclusive, as to any person charged with any sum or sums due for taxes therein; and that no further relief shall thereafter be granted, by the justices and vestry of any parish, to any person, except only to such collecting constables as shall make due proof, on oath, that no effects were to be found, within the parish or precinct wherein they had authority to levy, on which they could distrain.

Arrearage-rolls for 1797, not before issued, to be made out in sixty days, from 28th December, 1798, and no relief afterwards granted.

XXIII. And be it further enacted, That every collecting constable, to whom such arrearage roll or rolls, as aforesaid, shall be delivered, shall pay over, or account for the amount of the same, on or before the tenth day of May, one thousand seven hundred and ninety-nine, on pain of being dealt with, as also his surety or sureties, at the next ensuing supreme court, in the summary manner by law directed.

Amount of such rolls must be accounted for by 10th May, 1799.

XXIV. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, each and every collecting constable, to whom any roll or rolls, for collecting and levying any public tax or taxes shall have been delivered, or, in case of his decease, his executor or administrator, or his surety or sureties (if alive), or their executors or administrators, shall render in, upon oath, to the justices and vestry of their respective parishes, at their first quarterly meeting, to be holden as is by law directed, for parochial business, after the twenty-eighth day of March, in each and every year, so long as this act shall be in force, a just and true account and list of all such public taxes laid for the preceding year, and charged in their rolls, as shall then be due, outstanding, and uncollected; and, upon default of any collecting constable or constables, or his or their surety or sureties, or his or their representative or representatives, to render in such accounts and lists, in the manner aforesaid, according to the true intent and meaning of this act, every such person so offending shall, for every such default or neglect, forfeit the sum of two hundred pounds to our sovereign lord the king, to be levied on the goods and chattels of such defaulter, by warrant of distress and sale, immediately to be granted and issued, under the hand and seal of

Collecting constables yearly to make return of taxes outstanding of preceding year, at first vestry after 28th of March, under penalty of 200*l*.

the eldest or presiding magistrate at such vestry; which he is hereby empowered and required to sign, seal, and issue.

Which is to be doubled for each successive default.

XXV. And, in case of the further default or neglect, in any of the parties before mentioned, to render and deliver in such accounts and lists, at any subsequent quarterly vestry, it is hereby enacted, That the penalty of two hundred pounds aforesaid shall be doubled, at each and every succeeding quarterly vestry meeting, until the said accounts and lists, so required, shall be actually rendered and delivered in, according to the true intent and meaning of this act; the said penalty to be levied, and distrained in manner and form aforesaid.

Returns of outstanding taxes, after proper reliefs are granted, to be made out in arrearage rolls, 10 per cent. added thereto, and to be issued with warrant for levy.

XXVI. And be it further enacted by the authority aforesaid, That the justices and vestries of the several parishes of this island shall, upon the delivery of such lists and accounts, as aforesaid, be, and they hereby are, authorized and directed to relieve from their public taxes, or their charges on the rolls for public taxes, all such persons and properties as shall appear to them, upon due inquiry on oath, to be proper objects of relief, and to be justly entitled to the same; and afterwards, the said justices and vestries shall order and direct arrearage-rolls to be immediately made out, of all the different public taxes laid for the preceding year, so rendered in as due, outstanding, and uncollected; and the said justices and vestries of the several parishes are hereby empowered and required, to add the sum of ten pounds *per centum* to each and every sum of money due for public taxes, so rendered in as outstanding and uncollected, for such preceding year, and to direct a proper warrant to be thereunder written, and signed by any two magistrates of such respective parishes, and to deliver the same to the collecting constable of such parish or precinct, appointed for the said preceding year; or, in case of the decease of such collecting constable, to the substitute appointed in his stead, as is herein by this act before directed, to enable him to collect and gather in the several sums assessed therein.

Surcharge of 10 per cent. to be remitted, if arrears paid before 1st August; but if not then paid, they may be distrained for, and no such allowance made.

XXVII. And be it further enacted, That the warrant aforesaid shall direct and authorize such collecting constable, to collect and gather in all the sum and sums of money charged in the roll, to which such warrant is annexed, from every person named therein; and to remit and allow (and he is hereby empowered and required so to do) the surcharge of ten pounds *per centum* made as aforesaid, to every person who shall fully pay off and discharge all such arrears of any public tax, as he shall stand charged with on such roll, on or before the first day of August next thereafter ensuing; but, in case of neglect or refusal in any person, so to pay off and discharge such arrears, of any public tax charged in such roll, on or before the said first day of August next thereafter ensuing, the said warrant shall authorize, empower, and require, such collecting constable, after such day, to ask, demand, take, and receive, all and every sum and sums of money, or any part thereof, due

and unpaid, for arrears of the public tax charged in such arrearage-roll, from all and every person and persons named therein, and also the surcharge of ten pounds *per centum* made on every such sum; and, in case of the further default of payment, to levy and distrain for the same, without making any allowance or deduction whatsoever of the said surcharge; and such distress, when made, to sell at public outcry, in the manner herein-before directed.

XXVIII. And be it further enacted by the authority aforesaid, That, during the continuance of this act, all persons who shall pay their taxes under the poll-tax law, or land-tax law, or any other public tax which shall hereafter be laid by law, to be paid once only in each and every year, on or before the first day of August, in every such year, and also all persons who shall pay their taxes under the deficiency law, or rum law, or any other public tax which shall hereafter be laid by law, to be paid quarterly, within three months from the time of issuing the rolls for collecting and levying such taxes, shall be entitled to a discount of ten pounds *per centum* on the amount of all such taxes; and every collecting constable, and the collectors of the rum duty, are hereby directed and enjoined to allow the same: *Provided always nevertheless*, That such persons only shall be entitled to the said discount, who shall have first paid off, and fully discharged, all arrears of public taxes by them due, owing, or payable.

Discount of
10 *per cent.*
on poll and
land taxes, if
paid before
1st of August,
and on defi-
ciency and rum
duty, if paid
in three
months.

XXIX. And it is hereby further enacted, That the said several collecting constables shall be, and they are hereby, required to pay over to the receiver-general for the time being, within twenty days after such first day of August, in each and every year, the whole amount of all public taxes laid to be paid only once in each year, and the first quarter's deficiency, which they shall have respectively received, whereon such discount shall have been allowed; and also all such sum and sums of money as shall have been received by them, under the quit-rent-law, under the penalty of losing the amount of the said discount; and the receiver general is hereby required and directed, not to allow such discount after the twenty-first day of August, in each and every year: And further, the said several collecting constables, and the collectors of the rum duty, are hereby also directed and required, to pay over to the receiver-general the amount of all taxes received by them, under the deficiency and rum laws, and all other public taxes which shall be laid to be paid quarterly, within four months from the time of issuing the rolls, for collecting and levying such quarterly taxes, on which the discount aforesaid shall have been allowed by them, under the like penalty of losing the amount of such discount; which, in default of such duly paying over, within four months as aforesaid, the receiver-general is hereby directed and enjoined not to allow.

Unless col-
lecting con-
stables pay
over the poll
and land tax,
&c. in 20
days after
1st of August,
and the rum
and defi-
ciency duty
within four
months from
issuing the
rolls, they
forfeit the
discount.

XXX. And be it further enacted by the authority aforesaid, That the clerk of the vestry of each and every parish in this island shall, under the penalty

Clerk of ves-
try to enter
duplicates of

rolls in pa-
rish-books,
under penal-
ty of 50/.

penalty of fifty pounds for each and every neglect, enter in the parish book of assessments, a duplicate of every roll and arrearage-roll issued for collecting public taxes, together with an affidavit at the foot thereof, signed and sworn to by him, that the said duplicate is a true and exact copy of what was issued to the collecting constable for levy; which oath shall be taken before the same justices who signed the warrant, annexed to such roll issued for levy, and by them attested under their hands, in the said book of assessments.

Clerk of ves-
try to trans-
mit dupli-
cates of rolls
to receiver-
general, for
which he is to
give a receipt.

XXXI. And, the better to enable the receiver-general for the time being to discharge his duty to the public, be it further enacted by the authority aforesaid, That the clerk of the vestry of each and every parish shall be, and he is hereby, required and obliged, under the penalty of fifty pounds for every neglect, to transmit to the receiver-general, within thirty days after the assessment made of any public tax, or the issuing of any arrearage-roll, a duplicate thereof, signed by himself, and one or two of the justices, and likewise to certify that it is a true copy of what was signed for levy, and delivered to the collecting constable, to be collected, and of what was entered in the parish book of assessments; and the receiver-general for the time being shall be, and he is hereby, obliged to give receipts for all such duplicates as he shall receive, from any clerk of the vestry of any of the parishes of this island, specifying the day on which such duplicate was received, under the penalty of one hundred pounds for each neglect or refusal.

Collecting
constables to
deliver annu-
al public tax
accounts, be-
fore the first
of July, and
quarterly ac-
counts, in 14
days after re-
ceiving the
rolls.

XXXII. And be it further enacted by the authority aforesaid, That, during the continuance of this act, the several collecting constables of the respective parishes in this island shall, under the penalty of fifty pounds for every neglect, deliver unto, or leave at the houses or habitations of, all and every person or persons, (or at the houses of their known representatives,) who shall be charged with any public tax or taxes, in any roll issued to them for levy, under the poll-tax law or land-tax law, or any other law for raising any public tax, which shall be laid to be paid once only in each year, an account, in writing, containing the full amount of the taxes with which such persons are charged, in the several and respective rolls then in their possession, one month at the least before the first day of August, in each and every year; and further, that they shall, under the like penalty, deliver accounts, in manner aforesaid, of all public taxes laid, or to be laid, to be paid quarterly, within fourteen days after such collecting constables have received the respective rolls, in which such taxes shall be assessed and charged.

Collecting
constables
taking more
than charged

XXXIII. And be it further enacted by the authority aforesaid, That in case the collecting constable of any parish in this island shall, wittingly and designedly, ask or demand, take or receive, from any person or persons whatsoever, any greater sum or sums of money, for taxes or quit-rents, than what

what shall be charged to such person or persons, in the roll or rolls, or arrearage roll or rolls, delivered to him for levy, according to law, such collecting constable shall not only be liable to an action of trespass, and, if found guilty at the supreme court of judicature, or either of the assize-courts of this island, shall pay to the party aggrieved treble damages, with full costs of suit; but the justices and vestry of the parish for which such collecting constable shall have been appointed, shall be empowered, and they are hereby directed and required, to cause the acting churchwarden or churchwardens of such parish to prefer a bill of indictment against him, for such misdemeanor of extortion; and, upon the conviction of such offender, at the supreme court, or either of the assize-courts of this island, he shall suffer such fine and imprisonment, as the judges of the said courts shall think fit to inflict.

in tax-rolls, may be sued by party aggrieved; and indicted by parish for extortion.

XXXIV. And be it further enacted by the authority aforesaid, That all and every constable or constables, to whom any roll and warrant shall be delivered, for collecting and gathering in any public taxes and quit-rents, or the arrears of any public taxes or quit-rents, during the continuance of this act, shall, under the penalty of two hundred pounds, give-in, upon oath, in writing, before the justices and vestry of the parish for which such roll and warrant shall be issued, at each and every quarterly meeting of the justices and vestry, a just and true account of all the public taxes and quit-rents then received by such collecting constables, by virtue of and under any roll and warrant delivered to him or them; and shall, at the same time, take and subscribe, at the foot of each such quarterly account, the following oath; viz.

They are to give-in, on oath, at every quarterly vestry, an account of all taxes received by them.

I, A. B. do solemnly swear, that the above account contains a just and true statement of all and every the monies received by, or payments made to, me, on account of any roll or rolls, or arrearage roll or rolls, for public taxes or quit-rents, which have been delivered to me, for the parish of _____ from the day of _____ to this day (meaning the day on which the quarterly vestry is holden). So help me God;

Oath.

which oath the said justices, or any one of them, are and is hereby empowered and required to administer.

XXXV. And be it further enacted by the authority aforesaid, That the clerk of the vestry of each and every of the parishes within this island shall, and he is hereby required to, transmit to the receiver-general for the time being, within ten days next after the day on which each quarterly vestry shall be holden, under the penalty of twenty pounds for every such neglect or omission, an exact account, in writing, of the amount of the public taxes and quit-rents appearing, by the account so given-in and sworn to as aforesaid, to have been received by such collecting constable or constables; and if such collecting constable or constables shall not, within thirty days next

Clerk of vestry in ten days to transmit such accounts to receiver-general, and if amount not paid over in 30 days, collecting constables forfeit 200l.

next after the giving-in such quarterly account, pay over to the receiver-general for the time being the amount of such taxes and quit-rents, so sworn to have been received by him or them, and also deliver to the said receiver-general, or into his office, all and every certificate of relief which he or they may have received from any of the said respective vestries, such collecting constable or constables shall thenceforth be charged and compelled to pay, to the receiver-general for the time being, for the use of the public, a penalty of two hundred pounds for such offence.

When executors, &c. of collecting constables are sued, after rule of executors, general issue to be forthwith pleaded, and judgment to be given and writs marked without delay.

XXXVI. And whereas great difficulty, delay, and expence, have been sustained by the public, by reason of the special pleading prescribed by the regular course of law, in proceeding against the estates of deceased collecting constables, upon the bonds directed to be entered into by them, for the due collection and payment over of the monies arising from the several taxes: Be it further enacted by the authority aforesaid, That, in all cases wherein it shall be found necessary to bring an action or actions, against the executors or administrators of any deceased collecting constable, on the bonds so entered into by them as aforesaid, such executors and administrators shall, and they are hereby directed to, enter, or cause to be entered, to such action or actions (after the usual imparlance required by law, of the rule of executors and administrators) the plea of the general issue, and no other plea, and to give the special matter in evidence: And it is hereby declared and directed, that, upon the trial of all and every such action and actions, upon due proof being exhibited of the sum or sums of money, due and owing upon the bond or bonds on which such action or actions is or are brought, it shall and may be lawful, to and for the supreme court of judicature, or the courts of assize in this island, to cause the said sum or sums of money to be assessed, by way of damages, on the said action or actions; and writs of execution and *venditioni* to be marked and issued accordingly; which judgments, and writs of execution and *venditioni*, shall be, and they are hereby declared to be, as good, valid, and effectual, in law, to all intents and purposes, as if the same had preserved the usual course of proceeding; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

Which writs are to have priority of all others.

XXXVII. And it is hereby further declared and enacted by the authority aforesaid, That all and every such judgment or judgments, obtained in manner herein-before mentioned, and all and every writ or writs of execution and *venditioni* issued thereon, shall be entitled to, and shall have, priority and preference to all and every preceding judgment or judgments, writ or writs, against the obligor or obligors in the said bonds; any law, usage, or custom, to the contrary thereof in anywise notwithstanding.

XXXVIII. And

XXXVIII. And whereas the collecting constables have been in practice of assuming the debts due to the public, by giving credit to the receiver-general, for the whole or part of the amount of their rolls, within two years last past, though many sums therein mentioned have not in fact been received by them, which practice has been found beneficial to the public: And whereas doubts have arisen, whether such collecting constables have authority to distrain for said sums, so unpaid, after having so given credit to the receiver-general: Wherefore, to remove all doubts on the subject, Be it further enacted by the authority aforesaid, That such collecting constable or constables have full power and authority, to distrain for such sums, so unpaid to him or them as aforesaid, for two years last past, in the same manner as if he or they had not given such credit to the receiver-general; any thing herein, or in any former act, to the contrary notwithstanding.

Difficulty obviated in regard to recovery of debts assumed by collecting constables, and not paid.

XXXIX. And be it further enacted by the authority aforesaid, That every justice of the peace, vestryman, clerk of the vestry, or collecting constable, who shall neglect or refuse to do his or their duty, in any thing by this act required to be done, according to the true intent and meaning thereof, for which default no penalty is herein-before provided, shall forfeit the sum of fifty pounds for each offence, to be recovered in manner and form hereafter directed.

A penalty of 50*l.* imposed in all cases not before provided for.

XL. And be it enacted by the authority aforesaid, That the several penalties imposed by this act, not exceeding the sum of twenty pounds, and not declared how they shall be recovered, shall be recovered in a summary manner, before any two of his majesty's justices of the peace, in the parish or precinct where the offence shall be committed; which said two justices of the peace are hereby authorized and empowered, to commit such offender or offenders to gaol, there to remain, without bail or mainprize, until he or they shall have paid the same; and all penalties exceeding the sum of twenty pounds, shall be recovered in the supreme court of judicature, or in either of the courts of assize in this island, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, imparlance, or injunction, shall be granted or allowed, or *non vult ulterius prosequi* be entered: One moiety of which penalties shall be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them, who shall sue for the same.

Penalties under 20*l.* to be recovered before two justices, and above 20*l.* in the supreme court; to be divided between government and the informer.

XLI. And be it further enacted by the authority aforesaid, That the justices and vestry, of each and every parish in this island, shall cause this act to be publicly read by the clerk, at their first quarterly meeting after the twenty-eighth day of March, in each and every year, so long as this act shall continue to be in force, under the penalty of five pounds, to be forfeited

This act to be publicly read, at first quarterly vestry after 28th March, under penalty of 5*l.*

on each justice, &c.

feited by each justice and vestryman present, for every default, and to be recovered in the manner herein-before directed.

This act to be in force till 31st December, 1804.

XLII. And be it further enacted by the authority aforesaid, That this act shall continue, and be in force, from the passing thereof, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and four.

C A P. XX.

ANNUAL.

An act for establishing and declaring rules and articles of war.—In force until 31st December, 1799.—[21st December, 1798.]

C A P. XXI.

ANNUAL.

An act to repeal an act, passed in the year one thousand seven hundred and forty-four, entitled, "An act to regulate the selling of gunpowder, and to prevent the selling of fire-arms to slaves;" and to prevent the improper use of gunpowder and fire-arms.—In force until 31st December, 1799.—[21st December, 1798.]

C A P. XXII.

An act to ascertain who shall be deemed duly qualified to vote, for choosing churchwardens and vestrymen of the several parishes of this island; to protect freeholders on the days of holding such elections, and magistrates, vestrymen, and clerks of the vestry, on the days appointed for parochial business; and to regulate certain other parochial proceedings.—[21st December, 1798.]

Preamble.

FOR ascertaining who shall be deemed duly qualified to vote, for choosing churchwardens and vestrymen of the several parishes of this island; for protecting freeholders on the days of holding such elections, and magistrates, vestrymen, and clerks of the vestry, on the days appointed for transacting parochial business; and for regulating certain other parochial proceedings, not yet directed by law, May it please your most excellent majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, all and every person and persons, who shall vote at any election for the choosing of churchwardens and vestrymen, for the respective parishes in this island, shall have a freehold of the value of ten pounds *per annum* at the least, in such parish where he votes, consisting of a plantation or

Qualification of such as vote for churchwardens and vestrymen, to which they must make

pen

pen lands, of at least five acres opened and planted, or of a house of the like value, or of an annuity or rent-charge issuing out of lands, plantations, messuages, or tenements, in the parish where such person shall vote, of the like value; and in case any freeholder, polling at such election, shall demand, that any person or persons so intending to vote, shall make out his qualification as to his freehold, he shall take the following oath:

I, A. B. do swear, that I have a freehold in the parish of _____ of the value of ten pounds per annum at the least, consisting of a plantation or pen-land of at least five acres opened and planted, or of a house of the like value, or an annuity or rent-charge issuing out of lands, plantations, messuages, or tenements, in the parish of _____ of the like value. So help me God:

oath, if required.

Form of the oath.

Which oath shall be duly administered to such person or persons so intending to vote, by any magistrate of the said parish; and, in case there shall not be any magistrate present, by any of the freeholders voting at such election.

II. And be it further enacted by the authority aforesaid, That no freeholder shall be permitted to vote, at any election for a vestryman, churchwarden, or coroner, in any of the parishes of this island, unless his freehold hath been previously recorded three months in the secretary's office of this island, and three months in the vestry-book of the parish in which such freehold shall lie, and shall make oath to that effect, if required.

Freeholds must be recorded three months in the secretary's office, and vestry book, before the owner be entitled to vote.

III. And be it further enacted by the authority aforesaid, That the freeholders of the several parishes of this island shall be, and they are hereby, protected in their persons, against all mesne and judicial process in civil causes, on the days of choosing churchwardens and vestrymen, in their several parishes.

Freeholders protected on days for such elections.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices and vestry of each and every parish in this island, at some convenient time, not later than the twenty-eighth day of March, in every year, from and after the passing of this act, to appoint and hire a constable or constables, for collecting and levying the several public and parochial taxes of such parish, at any salary or salaries, not exceeding in the whole one hundred pounds per annum; and they are hereby obliged to cause sufficient security to be taken, by the acting churchwarden or churchwardens for the time being, at the time of hiring such collecting constables, or within twenty days thereafter, for the due performance of his or their duty, in the collecting, accounting for, and duly paying over, the several parochial taxes, in the manner by law directed, under the penalty of fifty pounds, to be paid by every justice and vestryman respectively, by whom such collecting constable or constables shall have been so appointed and hired, and by each and every churchwarden who shall neglect to take

Justices and vestry to appoint a collecting constable on or before 28th March, at 100*l.* annual salary; and to cause security to be taken, under penalty.

No warrant for collecting taxes to be signed, until security is taken.

No person to be a collecting constable, under 21 years of age.

such security, to be recovered in the manner hereafter by this act directed: And, if the justices of any parish shall sign any warrant to the collecting constable or constables of such parish, either to collect any parochial tax or taxes, or to distrain for them, or any of them, before such collecting constable has given such security as aforesaid, they shall forfeit and become liable for, jointly and severally, the whole amount of the sums charged in the roll or rolls, to which such warrant or warrants shall be annexed, and shall be liable to be proceeded against at law, in the same manner as if they had actually become bound to be the sureties of such collecting constable: ~~Pro-~~vided nevertheless, That, from and after the passing of this act, it shall not be lawful to elect or appoint any person to the office of collecting constable, or for any person so elected or appointed to act as constable, for collecting any monies laid and assessed by the justices and vestry of any parish for parochial purposes, who is not of the age of twenty-one years, at the time of such appointment.

Persons under age, or not giving security before they act, to be imprisoned; those of full age, not giving security, to forfeit 200%.

V. And it is hereby further enacted, That every person who shall be elected or appointed to be a collecting constable, in any parish or preeinct in this island, and not being of the age of twenty-one years and upwards, or not having given security as is hereby before directed, and shall proceed to act as collecting constable, shall, in case he shall not be of the age aforesaid, be liable to suffer two months imprisonment for every such offence, in the common gaol, without bail or mainprize, upon conviction thereof before the court of quarter-sessions of the precinct wherein such offence shall be committed; and, in case he shall be of full age, and not have given security as aforesaid, he shall then forfeit the sum of two hundred pounds for every such offence, any thing in this or any other act, law, custom, or usage, to the contrary notwithstanding.

Penal sum of security-bonds to be one half more than the amount of the rolls.

VI. And be it further enacted by the authority aforesaid, That the penal sum of each and every security-bond, to be hereafter entered into by any collecting constable or constables, to the churchwarden or churchwardens of any parish in this island, for the duly collecting and levying, accounting for, and paying over, the parochial taxes of such parish, shall not be less than one half more than the whole amount of the sums charged in the several rolls, to be issued for collecting and levying such parochial taxes.

Security delivered to churchwardens, to be recorded.

VII. And it is hereby further enacted, That every such security-bond entered into by such collecting constable or constables, with one or more good and sufficient sureties, shall be delivered to the acting churchwarden or churchwardens of the respective parishes in this island, yearly, as before directed, duly proved; and such acting churchwarden and churchwardens is and are hereby directed and enjoined, to put such security-bonds on record in the secretary's office of this island.

VIII. And

VIII. And it is hereby enacted, That the expence of recording such bonds shall be allowed to such churchwardens, in their accounts with their respective parishes.

Expence to be allowed by the parish.

IX. And be it further enacted by the authority aforesaid, That in case the justices and vestry of any parish cannot procure a fit person to be hired and appointed, in the manner aforesaid, to collect and levy their parochial taxes, then, and in such case, it may and shall be lawful for them to direct and cause the said taxes to be collected and levied by the person appointed by the receiver-general for the time being, in consequence of such inability for collecting the public taxes, by virtue of any law now in force, or hereafter to be in force; and the person so appointed by the receiver-general shall be obliged to give security, in the manner herein-before directed, for the due performance of his office, in collecting and levying, accounting for, and paying over, the parochial taxes of such parish to the churchwarden or churchwardens, and shall have the same power and authority, and be entitled to the same profits, and shall, as well as his security or securities, be liable to the same penalties, and be proceeded against at law in the same manner, as if he had been hired and appointed by the justices and vestry.

Collecting constables appointed by receiver-general, to collect parochial tax where none hired by vestry;

and to give like security, and to receive same profits, as if appointed by vestry.

X. And be it further enacted by the authority aforesaid, That all and every such collecting constable and constables, to whom any roll and warrant shall be delivered, for collecting and levying any taxes, laid and assessed by the justices and vestry of any parish in this island, according to law, for parochial purposes, shall be, and hereby are, empowered and required to collect and gather in, from all and every person and persons named therein, all such sum and sums of money as they shall respectively stand charged with; and, to remove all excuses from the said collecting constables, for not collecting such taxes, they, and each of them, are hereby empowered to distrain, on all and every the goods, chattels, and slaves, of such person or persons who shall refuse to pay such assessments as aforesaid, (provided nevertheless, that it shall not be lawful to distrain on any slave, where any other distress may or can be had); and the distress and distresses then and there found, to sell at public outcry, returning the overplus, if any, to the owner thereof, after the deduction of one shilling in the pound out of such sale, for the trouble of such collecting constable or constables, and all the reasonable expences that he or they shall have been put to, in the keeping and maintaining the said distress or distresses: Be it nevertheless provided, That such sale of goods, chattels, or slaves, at public outcry, shall not in anywise be deemed lawful, unless such collecting constable shall advertise all such levies made by him, in the manner directed in and by the eighth clause of an act entitled, *An act for the ease and relief of jurors and suitors of the supreme and certain other courts within this island; and for other purposes*, passed in the year one thousand seven hundred and ninety-seven; and unless he shall also give fourteen days notice of such intended sale, by publishing

Collecting constables empowered to distrain for taxes;

but not on slaves, where other distress can be had.

Sales of levies must be advertised, as directed by

38 Geo. III. cap. 23, cl. 8.

lishing an account of the goods, chattels, or slaves, so distrained on, and also the hour of the intended sale, in a paper to be fixed up in the most public and noted place in the parish.

Proviso.

In such sales, bill of parcels duly recorded, to be a good title.

On proof of fraud, sales to be void.

XI. *Provided* always, and it is hereby enacted by the authority aforesaid, That, from and after the passing of this act, upon any sale or sales being made, in manner aforesaid, by any collecting constable, of any slave or slaves, or any goods or chattels, levied on in pursuance of the authority hereby given, the bill of parcels given by such collecting constable, to the purchaser or purchasers of such slaves, goods, or chattels, that shall be so levied on, and duly proved and recorded in the secretary's office of this island, shall, in any action or suit to be brought, in any of the courts of this island, be received as evidence of title to such slave or slaves, goods or chattels, that shall be so levied on; but, on proof of any fraud, covin, or collusion, between such collecting constable, and the purchaser or purchasers of such slave or slaves, goods or chattels, that shall be levied on, such sale or sales shall be void, to all intents and purposes whatsoever.

Collecting constables and their sureties, liable for amount of rolls.

Certificates of relief to be set off;

and such sums as could not be distrained for.

XII. And be it further enacted by the authority aforesaid, That each and every collecting constable, and his surety or sureties, shall be charged and held bound, for the whole amount of the several sums contained in all and every roll or rolls, for collecting parochial taxes, delivered to him for levy, until the same shall have been duly accounted for, according to law: *Provided* nevertheless, That every regular certificate of relief, granted in the usual and due form by the justices and vestry, and certified by their clerk, shall be admitted and taken as a set off, on the behalf of the collecting constable, for such sum or sums of money as such relief shall amount to: And *provided* also, That in case any collecting constable shall, within twelve calendar months from the time of issuing the rolls to him, for collecting and levying the parochial taxes, make oath before the justices and vestry, that he could find no goods, chattels, or slaves, within the parish or precinct wherein the warrant, giving him authority to levy, was in force, whereon to distrain; or give to them, on oath, some other good and sufficient reason, to their satisfaction, why he had it not in his power to distrain; they shall relieve him from such sum or sums so charged to him in the rolls issued to him, for collecting and levying parochial taxes, as he had it not in his power to distrain for.

At first vestry meeting after 28th of March, collecting constables to render an account of outstanding taxes;

XIII. And be it further enacted by the authority aforesaid, That the justices and vestry of each and every parish of this island shall be, and they hereby are, empowered and directed to inquire into the arrearages of parochial taxes, and oblige the several collecting constables, at their first meeting upon or after the twenty-eighth day of March, in each and every year, to render to them, on oath taken in open vestry, a true and exact account of all such parochial taxes, as shall then be due, outstanding, and uncollected; and the said justices and vestry, after granting all such reliefs as they shall think

just

just and reasonable, shall cause their clerk to make out an arrearage roll or rolls, of all such due, outstanding, and uncollected parochial taxes, with a warrant or warrants for the collecting and levying thereof annexed, to be signed by two justices of such parish; which roll or rolls shall be final and conclusive, and delivered to the collecting constable or constables for levy forthwith.

from which, after necessary reli- fa, arrearage-rolls are to be made out, which are to be final.

XIV. And it is hereby enacted, That such roll and warrant shall be sufficient authority, to such collecting constable or constables, for levying and distraining for such arrears of parochial taxes, and no excuse for not levying shall thereafter be admitted, except proof on oath, that no effects could be found whereon to distrain.

Roll and warrant to be sufficient authority to levy.

XV. And whereas it hath happened, that several inhabitants hath removed out of the parishes where they stood charged with parochial taxes, by which means the collecting constable or constables have not been able to distrain for such parochial taxes, as were due from them: Be it enacted by the authority aforesaid, That, upon oath being made of the removal of any such person, by a collecting constable of any parish, to the justices and vestry of such parish, and that he hath not been able to find any effects belonging to such person, within the parish or precinct wherein he hath authority to levy, whereon to distrain, and that such person hath removed his effects into some other parish, in such affidavit to be specified, according to the best of the said collecting constable's knowledge, information, and belief, the justices and vestry of such parish, where such parochial taxes are due, shall relieve such collecting constable therefrom, and shall certify such taxes so due, under their hands, to the justices and vestry of the parish whither such person as aforesaid is removed; who are hereby empowered and directed, to cause to be issued a roll, with a warrant annexed, for levying thereof, to the collecting constable of their parish; who shall hereby be obliged to collect and levy, and when so collected and recovered, to pay over, the amount of such parochial taxes, to the acting churchwarden or churchwardens of the parish from whence such certificate was transmitted, retaining to himself one shilling in the pound, for his trouble in collecting the same, under the penalty of fifty pounds for each and every default.

When persons indebted for taxes remove out of the parish, and leave no effects subject to levy, vestry to relieve collecting constable, and to certify the debt to the parish of removal, where it shall be recovered, and paid over.

XVI. And be it further enacted by the authority aforesaid, That whenever any collecting constable, appointed for collecting and levying the parochial taxes, shall die, before the year for which he shall have been so appointed is expired, or before he shall have collected and levied all the sum and sums of money charged in the several rolls delivered to him, or shall have duly accounted for the same, his surety or sureties, or his or their executors or administrators, shall be authorized to apply to the justices and vestry, of the parish for which such collecting constable as aforesaid, deceased, was appointed,

When collecting constables die within the year, their sureties to nominate in their place; and, substitute a s^r, and receive like profits, as the

former should
have done.

pointed, who are hereby empowered and required to substitute his surety or sureties, or his or their executors or administrators, aforesaid, or some one of them, or some person in their behalf, being legally qualified, whom they shall desire, with the approbation of such justices and vestry, to be so appointed in the stead of such collecting constable deceased, with the same authority as such collecting constable himself had, and with no more salary than he would have been entitled to, provided that he had lived till the year for which he was appointed was fully ended and completed, and without requiring any new security from such substitute or substitutes; and such substitute or substitutes shall be entitled to an arrearage roll or rolls, in the same manner as the collecting constable, in whose stead he or they shall be appointed, would have been, in case he were still living.

Justices, &c.
at first meet-
ing after 28th
March, to ex-
amine constable's ac-
counts; and
if all bal-
ances paid
over, to grant
him an ac-
quittance;
which is to be
proved and
recorded.

XVII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the justices and vestry, of each and every parish of this island, shall, at their first meeting upon or after the twenty-eighth day of March, in every year, examine the collecting constable's accounts for the preceding year, and for any former year for which any arrearages may be unaccounted for; and, whenever any collecting constable of any parish shall have duly and lawfully accounted, for all the sum and sums of money charged in every roll delivered to him, for collecting and levying taxes laid and assessed for parochial purposes, and have paid over every balance that may be due to the churchwardens of such parish, as is by law required, it shall be lawful for such justices and vestry to discharge, exonerate, and acquit, such collecting constable, and his surety or sureties, from the obligation of his and their security bond or bonds, by certificate under their hands, passed in vestry, and duly proved by their clerk, and recorded in the secretary's office of this island, in the same manner as is directed herein-before to be done with the collecting constable's security-bond; the expence of which proving and recording shall be defrayed by such collecting constable, or his sureties, so acquitted.

Clerk of ves-
try to enter
duplicates of
rolls in vestry
books.

XVIII. And be it further enacted by the authority aforesaid, That the clerk of the vestry, of each and every parish in this island, shall, under the penalty of fifty pounds for each and every neglect, enter in the parish book of assessments a duplicate of every roll, and arrearage-roll, issued for collecting parochial taxes, together with an affidavit at the foot thereof, signed and sworn to by him, that the said duplicate is a true and exact copy of what was issued to the collecting constable for levy; which oath shall be taken before the same justices who signed the warrant annexed to such roll issued for levy, and by them attested under their hands, in the said book of assessments.

XIX. And be it further enacted by the authority aforesaid, That the collecting constable or constables, of each and every parish in this island, shall deliver

deliver unto, or leave at the houses or habitations of, all and every person or persons (or of their-known representatives) who shall be charged with any tax or taxes, laid and assessed by the justices and vestry, according to law, for parochial purposes, an account in writing, containing the full amount of all such tax or taxes, charged in the several rolls then in their possession, within thirty days after such rolls shall have been delivered to them.

Collecting constables to deliver accounts of taxes, in 30 days after receiving rolls.

XX. And be it further enacted by the authority aforesaid, That, in case the collecting constable of any parish in this island shall, wittingly and designedly, ask or demand, take or receive, from any person or persons whatsoever, any greater sum or sums of money for any tax or taxes, than what shall be charged to such person or persons, in the roll or rolls, or arrearage roll or rolls, delivered to him for levy, according to law, such collecting constable shall not only be liable to an action of trespass, and, if found guilty at the supreme court of judicature, or either of the assize-courts of this island, shall pay to the party aggrieved, treble damages, with full costs of suit; but the justices and vestry of the parish for which such collecting constable shall have been appointed, shall be empowered, and they are hereby directed and required, to cause the acting churchwarden or churchwardens of such parish, to prefer a bill of indictment against him, for such misdemeanor of extortion; and, upon the conviction of such offender at the supreme court, or either of the assize-courts of this island, he shall suffer such fine and imprisonment, as the judges of the said courts shall think fit to inflict.

If they charge more than appears in the rolls, they may be sued for damages, and indicted by the parish for extortion.

XXI. And be it further enacted by the authority aforesaid, That the churchwarden or churchwardens, of each and every parish of this island, shall cause to be recorded in the secretary's office of this island every security-bond, which shall be entered into and delivered to him or them, pursuant to an act, passed in the fifteenth year of his present majesty's reign, entitled, *An act for regulating the manumission of negro, mulatto, and other slaves; and to oblige the owners to make a provision for them, during their lives*, by any person or persons manumizing any slave or slaves; and such churchwarden or churchwardens is and are, hereby, empowered and directed to refuse to sign any certificate of such security having been given, unless such bonds, when tendered to them, are duly proved, and the expence of recording them be at the same time fully paid to him or them.

Churchwardens to record in secretary's office security-bonds granted according to 15 Geo. III. cap. 18. and no certificate to be signed, unless bond is duly proved, and expence of recording paid.

XXII. And be it further enacted by the authority aforesaid, That no churchwarden shall be entitled to any commission, for any parochial monies that may be paid into his hands.

No churchwarden to receive commissions.

XXIII. And be it further enacted by the authority aforesaid, That the justices of the peace of the respective parishes of this island, or any two of them, shall, and they are hereby directed and required, ten days at the

Justices to issue warrants for summoning quarterly

vestries to transact parochial business, 10 days before, to meet within 20 days after, each quarter-day.

Penalty for non-attendance, unless there shall be two magistrates and six vestrymen.

No vestry-dinners, except quarterly, and expence of those not to exceed 10/. None to be in St. Catherine's or Kingston.

Vestrymen, &c. protected, on days of parochial business.

Penalty of 50/. for neglect of duty imposed in all cases, not before provided for.

least before the twenty-eighth day of March, the twenty-eighth day of June, the twenty-eighth day of September, and the twenty-eighth day of December, in each and every year, to issue their warrants to any constable or constables, to summon the justices and vestrymen of their several parishes, to meet on some day to be specified and appointed in every such warrant, (which day shall be within twenty days after each and every such quarter-day as aforesaid) to inquire into, examine, and transact, any parochial business that may be directed and enjoined them by any law then in force, or that may otherwise require their attention; and, in case any justice or vestryman, so summoned, shall neglect his duty so to meet, he shall forfeit the sum of five pounds, to be levied on the goods and chattels of such defaulter, by warrant of distress and sale (which warrant shall be granted and issued by any one justice of the peace of such parish, and he is hereby empowered and required to sign, seal, and issue, such warrant, either on his own view, or on the oath of any one vestryman then present), and to be applied to the benefit of the poor of such parish: ~~Provided always nevertheless,~~ That if two magistrates shall appear, there shall not be any penalty on the magistrates, and if six vestrymen (exclusive of the rector) shall appear, there shall not be any penalty on the vestrymen.

XXIV. And be it further enacted by the authority aforesaid, That the justices and vestry of the several parishes of this island, shall not charge their respective parishes with any expence for dinner, at the several meetings of the vestry, except at one meeting in each quarter, pursuant to this act; and, at each such quarterly meeting, they shall not charge above ten pounds for the expence of such dinner: ~~Provided nevertheless,~~ That no such charge shall be made, or allowed, by the justices and vestries in the parishes of St. Catherine and Kingston.

XXV. And be it further enacted by the authority aforesaid, That the magistrates, vestrymen, and clerks of the vestry, going to, and attending on days appointed for, parochial business, and returning from the same, shall be, and they are hereby, protected in their persons, for a reasonable time, against all mesne and judicial process, in civil causes.

XXVI. And be it further enacted by the authority aforesaid, That every justice of the peace, vestryman, clerk of the vestry, or collecting constable, who shall neglect or refuse to do his or their duty, in any thing by this act required to be done, according to the true intent and meaning thereof, for which default no penalty is herein-before provided, shall forfeit the sum of fifty pounds for each offence, to be recovered in the manner and form hereafter directed.

XXVII. And be it further enacted by the authority aforesaid, That the several penalties imposed by this act, not exceeding the sum of twenty pounds,

pounds, and not declared how they shall be recovered, shall be recovered in a summary manner, before any two of his majesty's justices of the peace, in the parish or precinct where the offence shall be committed; which said two justices of the peace are hereby authorized and empowered, to commit such offender or offenders to gaol, there to remain, without bail or mainprize, until he or they shall have paid the same; and all penalties exceeding the sum of twenty pounds, shall be recovered in the supreme court of judicature, or in either of the courts of assize in this island, by action of debt, bill, plaint, or information; wherein no essoin, protection, wager of law, imparlance, or injunction, shall be granted or allowed, or *non vult ulterius prosequi* be entered; one moiety of which penalties shall be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the informer, or him, her, or them, who shall sue for the same.

Penalties under 20*l.* to be recovered before two justices;

and above 20*l.* in the supreme court; to be divided between government and the informer.

XXVIII. And be it further enacted by the authority aforesaid, That the justices and vestry, of each and every parish in this island, shall cause this act to be publicly read, by the clerk of the vestry, at their first quarterly meeting after the twenty-eighth day of March, in each and every year, under the penalty of five pounds, to be forfeited by each justice and vestryman present, for every default, and to be recovered in the manner herein-before directed.

This act to be read publicly at first quarterly vestry after 28th of March, under 5*l.* penalty.

C A P. XXIII.

An act for continuing an act entitled, "An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases;" for a certain time longer.—In force until 31st March, 1799.—[21st December, 1798.]

EXPIRED.

C A P. XXIV.

An act to amend an act entitled, "An act to regulate wharfage and storage," so far as the said act relates to the public wharves in the county of Cornwall.

[21st December, 1798.]

WHENCEAS the rates of wharfage and storage, as settled by an act of the lieutenant-governor, council, and assembly, of this island, passed in the year of our Lord one thousand seven hundred and eighty-four, entitled, *An act to regulate wharfage and storage*, have, so far as the same relates to the parishes of St. Elizabeth, Hanover, Westmorland, and sundry public wharfingers in the parishes of St. James and Trelawny, been found inadequate to the expences of carrying on the

Preamble.

25 Geo. III.
cap. 5.

Variation, for
the public
wharves in
Cornwall, of
the rates
established
for sundry ar-
ticles by the
above act.

Other articles
to remain

wharfage business, and of keeping wharves and stores within the said parishes, in proper repair for that purpose : And whereas several of the planters, merchants, and others, exporting from, or landing on, the wharves in the said several parishes, articles of produce, goods, wares, or merchandise, on the principle of the insufficiency of the rates so settled, are satisfied to, and do, allow their wharfingers to make greater charges than are allowed to be made by the said act ; but, as others do not, and as executors, administrators, trustees, and other persons, acting in a representative capacity, cannot make such allowance, many disputes, detrimental to trade in general, may arise between the wharfingers in the said several parishes, and the importers, shippers, or receivers, of goods, wares, and merchandise, as also between the said wharfingers and the planters, merchants, and factors, shipping the staple commodities or produce of this island : For prevention whereof, We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, humbly beseech your majesty that it may be enacted ; Be it therefore enacted by the lieutenant-governor, council, and assembly, of the said island, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, the rates of wharfage and storage, at all the public wharves in the county of Cornwall, for the several articles herein-after mentioned, shall be as follows ; *to wit*, For receiving, storage, weighing, and shipping, every hoghead of sugar, two shillings and six pence, and every tierce of sugar, one shilling and ten pence halfpenny ; for landing and piling every one thousand feet of lumber, including staves and heading, ten shillings ; for shipping ditto, five shillings ; for landing every one thousand of cypress shingles, loose, five shillings ; ditto packed, two shillings and six pence ; for shipping every one thousand of cypress shingles, loose, two shillings and six pence ; for shipping ditto packed, one shilling and three pence ; for landing every thousand of common shingles, loose, three shillings and nine pence ; ditto packed, one shilling and ten pence halfpenny ; for landing every tierce of rice, corn, or other grain, one shilling and three pence ; for shipping ditto, seven pence halfpenny ; for landing every one thousand bricks and tiles, and piling the same, ten shillings ; for landing, weighing, counting, and storing, every ton of Nicaragua wood, ten shillings ; for shipping ditto, five shillings ; for landing every hoghead of salted fish, coals, or lime, two shillings and six pence ; for receiving, gauging, storing, and shipping, every puncheon of rum, one shilling and ten pence halfpenny ; for landing every bundle of iron hoops, seven pence halfpenny ; for every tierce of bottled liquor, two shillings and six pence ; for landing of every barrel of beef, pork, or flour, seven pence halfpenny ; for landing, stowing, and gauging, every pipe of wine, five shillings ; for shipping ditto, two shillings and six pence ; for receiving, storage, weighing, and shipping, every bag of cotton, two shillings and six pence ; for receiving, storage, weighing, and shipping, every pocket of cotton, one shilling and three pence ; any thing in the said recited act to the contrary thereof, in anywise notwithstanding : And, for all other articles whatsoever, the rates of wharfage within the said county of

of Cornwall shall be, as specified and expressed in the schedule to the said recited act annexed.

as thereby settled.

II. And be it further enacted by the authority aforesaid, That all packages of dry goods, provisions, bottled and cask liquors, (rum excepted,) received at any wharf within the said county of Cornwall, and not taken away by the owner, or the person or persons for whom the same shall be landed, in the space of four months after such landing, as aforesaid, the wharfinger shall be entitled to ask, demand, and receive, for all such goods so stored, and lying over, double the wharfage allowable by law; and, for every month thereafter, at the rate of one half wharfage, so long as the said goods shall remain on the wharf, so stored and housed.

Certain articles, if not taken away in four months, to pay double wharfage, and half wharfage every month after.

III. And be it further enacted by the authority aforesaid, That for all lumber, logwood, fustic, and other dying woods, ebony, mahogany, and hard timbers, coals, bricks, and tiles, landed on any public wharf in the county of Cornwall, and not taken away by the owner, or the person or persons for whom the same shall be landed, in the space of four months after such landing, the wharfinger shall be entitled to ask, demand, and receive, one fourth part of the wharfage allowed by law; and, for every month thereafter, at the like rate, so long as the same shall remain on such wharf.

Others, if not taken away in four months, to pay one fourth of the wharfage for every month after.

IV. And be it further enacted by the authority aforesaid, That each and every wharfinger in the said county of Cornwall shall be, and he is hereby, obliged and required, under the penalty of forty shillings for every day's neglect, within three months after the passing of this act, to affix and constantly keep up in view, in some public place, under cover from the weather, at or near the weigh-house, or place of weighing goods, on his wharf, an exact list of the rates of wharfage and storage, as appointed by this act, and the act passed in one thousand seven hundred and eighty-four, properly digested in an alphabetical manner.

Lists of the above rates to be kept constantly in view at the weigh-house, under penalty of 40s. for every day's neglect.

V. And whereas, from the very great increase of contingent charges, attending the carrying on the wharfage business, during the time of war, it is just and equitable, that some extra or further allowance should be made and granted, to persons carrying on the wharfage business in the county of Cornwall, over and above the rates already granted and allowed by law to such persons, and also over and above the rates allowed by this act to persons carrying on such business in the several parishes of St. Elizabeth, Hanover, and Westmorland, and sundry public wharfingers in the parishes of St. James and Trelawny, the same to be demandable and receivable by persons carrying on the said business, within the respective parishes of the said county, during the term and continuance of the present war between the crown of Great Britain and the persons holding and exercising the reins of government in France, and for a limited time thereafter: Be it therefore

From the increase of contingent charges during the war, it is deemed just that some extra allowance be made to wharfingers in Cornwall:

enacted

Therefore, during the war, and for six months after, they may charge 25 per cent. on the above and former rates, for delivering as well as shipping goods.

enacted by the authority aforesaid, That, from and after the passing of this act, and for and during the continuance of the present war between the crown of Great-Britain and the persons holding and exercising the reins of government in France, and until the expiration of the further term of six months after the termination thereof, it shall and may be lawful, to and for all and every person and persons carrying on the wharfage business in the several parishes of the county of Cornwall, and he or they is and are hereby empowered, at all times, during the continuance of the aforesaid war, and for and during the space of six months after the termination thereof, to charge, demand, and receive, of and from all and every person and persons whomsoever, whom it shall or may concern, at and after the rate of twenty-five pounds *per centum* over and above, and in addition to, the charges and rates granted and allowed by any former act or acts, and by this act, to such persons in the said parishes respectively, or meant or intended so to be; and which additional *per centage* of twenty-five pounds, it is hereby declared, is intended to extend equally to the shipping, as to the delivery, of goods which may be landed on any wharf in the said several parishes of the county of Cornwall.

Penalty of 100% on extortion.

VI. And be it further enacted by the authority aforesaid, That if any person or persons carrying on the wharfage business, within any of the said parishes, shall, by himself or themselves, or by any person or persons acting for or under him or them, presume to ask, demand, and receive, or take, any greater prices, rates, or allowances, than such as are herein-before mentioned and allowed, for shipping, receiving, storing, skidding, weighing, gauging, and properly securing, the goods, wares, and merchandises, delivered at his or their wharf or wharves, he or they shall, for every such offence, forfeit the sum of one hundred pounds.

Recovery of penalties;

VII. And be it further enacted by the authority aforesaid, That the penalties and forfeitures in this act mentioned shall, if not exceeding the sum of ten pounds, be recovered in a summary manner, before any one of his majesty's justices of the peace, for the parish where the offence shall be committed; which said justice is hereby authorized, empowered, and required, to commit such offender or offenders to gaol, there to remain, without bail or mainprize, until he or they shall have paid the same: And all penalties and forfeitures exceeding ten pounds, shall be recovered in the supreme court of judicature, or in the court of assize for the county of Cornwall, by action of debt, bill, plaint, or information, wherein no *essoins*, protection, or *wager of law*, shall be allowed, or *non vult ulterius prosequi* be entered; any thing herein contained, or any law, custom, or usage, to the contrary, notwithstanding.

which are to go, one half to the informer.

VIII. And it is hereby declared, That all penalties and forfeitures to be recovered under this act, shall be, one moiety to the informer, or person suing

suing for the same; and the other moiety to the poor of the parish wherein such forfeiture is recovered.

er; and the other half to the poor of the parish.

IX. And be it further enacted by the authority aforesaid, That the said public wharfingers shall, and they are hereby required to, have, or procure to be erected and built, such good and sufficient stores, lofts, and sheds, as are proper and fit to protect from injury, the said goods so committed to their care and charge, under the forfeiture of the whole of the wharfage of such goods.

Wharfingers to build proper stores, sheds, &c. under forfeiture of the wharfage.

X. And be it further enacted by the authority aforesaid, That this act shall be, by all judges, justices, and others, deemed and taken as and for a public act, without the same being specially pleaded.

Public act.

C A P. XXV.

An act for appointing certain commissioners to purchase lands in the town of Kingston, for the extending and improving of a certain street in the said town, called Harbour-street.

[21st December, 1798.]

WH E R E A S a certain street, in the town of Kingston, called Harbour-street, is one of the most public streets in the said town, and on each side of which are erected and built, many warehouses, and other buildings, of considerable value, and wherein trade, commerce, and other business, to a great amount and extent, is carried on, conducted, and transacted: And whereas, there are certain buildings which prevent the extent in length, of the said street, to the eastward of the said town of Kingston, whereby several of the entrances or passages into the said street, from the eastward of the said town of Kingston, are confined or circuitous, to the great inconvenience, and, in many cases, to the danger of persons going into, or returning from, the said street, through such entrances or passages; and whereby also, much mischief may arise to the said town, for want of a free and regular communication with other parts of the said town, in case of the accident of fire; and which accident is the more to be apprehended, so long as the said buildings last mentioned shall be and continue: Therefore, We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That Eliphalet Fitch, John Jaques, Alexander Shaw, Thomas Cockburn, and Andrew Deans, esquires, shall be, and they are hereby nominated and appointed, commissioners for the carrying into effect the several purposes of this act; and they, or any three of them, are hereby authorized and empowered, to treat with the owners or persons interested in such lands and buildings, as inter-

Preamble.

Certain buildings to the eastward of Kingston, obstructing the extent of Harbour-street, and endangering the safety of the town and its inhabitants,

commissioners are appointed to treat for the purchase of them;

cept

and, in case of
impediments
or disabilities,
to the con-
veyance
thereof, any
justice, on ap-
plication, may
summon a
jury to value
the same;

and their
judgment
shall be con-
clusive to give
title, on pay-
ing the valu-
ation;

provided 14
days notice
has been giv-
en to persons
interested.

In case the
whole of any
lot and
buildings be
not wanted,
jury to esti-
mate, as well
the part to be
taken, as the
loss that will
accrue to the
residue there-
by.

cept or interrupt the present extension of the said street, called Harbour street, in the town of Kingston aforesaid, to the eastward of the said town, or in any part or parts, share or shares, or proportions, of the same, for the purchase thereof, at and for such price and prices, as shall be agreed on by and between the said commissioners, or any three of them, and such persons respectively: And, in case any person or persons shall decline or refuse to treat and agree as aforesaid, or, through any disability, by non-age, coverture, or by reason of any other impediment whatsoever, cannot dispose of their respective interests in such lands and buildings, it shall and may be lawful to and for any justice of the peace for the parish of Kingston, upon application made to him by the said commissioners, or any three of them, to issue his warrant to the provost-marshal-general, or his lawful deputy for the parish of Kingston, to empanel, summon, and return, a competent number of persons, qualified to serve on juries (such number not to be less than twenty-four), to be and appear, at such time and place within the said town of Kingston, as in the said warrant shall be expressed; out of which persons to be so empanelled, summoned, and returned, a jury of twelve persons shall be drawn by ballot, who, upon their oaths (which oaths, as also the oath or oaths to any witness or witnesses to be called, and who shall appear before the said jury, the said justice is hereby empowered to administer), shall inquire of the value of such lands and buildings, and of the respective estate and interest of every person seized or possessed thereof, or interested therein, or of, or in, any part or parts thereof, and shall assess and award the sum or sums to be paid to every such person or persons, for the purchase of his, her, or their, estate and interest therein; and the said jury shall give judgment for such sum or sums of money so to be assessed; which said judgment or determination in the premises shall be binding and conclusive, to all intents and purposes whatsoever, against all and every person and persons whomsoever, claiming any estate, right, title, use, or interest, in, to, or out of, the said lands and buildings, either in possession, reversion, remainder, or expectancy: Provided nevertheless, That notice in writing shall be given, to the person or persons interested in such lands and buildings, at least fourteen days before the time of such assessment, declaring the time and place of the meeting of the said justice and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her, or their usual place or places of abode, or with some tenant or occupier of the said lands and buildings, intended to be valued and assessed: And it is hereby provided, That in case the said commissioners shall not deem it necessary or expedient, to take the whole of any particular lot or lots, piece or parcel, or pieces or parcels of land, and of the buildings thereon, for effecting any purpose of this act, according to the true intent and meaning thereof, that then, and in every such case, the said jury shall include, in their assessment, valuation, or award, as aforesaid, as well the value of such part or parts of such lands and buildings, as shall, by the said commissioners, or any three of them, be judged necessary and expedient to be taken as aforesaid, as the loss, damage, or prejudice, which

may

may arise to the remaining part or parts of such lands and buildings, or of the person or persons interested therein respectively.

II. And be it further enacted by the authority aforesaid, That if the said lands and buildings, or any part thereof, shall be disposed of by sale and conveyance, the deed or instrument of conveyance shall vest, by proper words to be therein inserted, the property thereof in the justices and vestry of the said parish of Kingston for the time being, the same to be deemed, used, and taken, as and for part of the said street, called Harbour-street, for the use of the inhabitants of the said town of Kingston, and of all persons resorting thereto; and, if the said lands and buildings, or any part thereof, shall be valued by a jury, as above directed, that, upon the return of the said inquisition, valuation, or appraisement, and full payment of the amount, as well of the valuation aforesaid, as of the loss, damage, or prejudice, herein-before mentioned, being made, or legally tendered, to the person or persons interested therein, the same shall be, in like manner, vested in the said justices and vestry of the said parish of Kingston for the time being.

Whether the sale be made by conveyance or valuation, the title to be to the justices and vestry of Kingston.

III. And be it further enacted by the authority aforesaid, That the proceedings of the said commissioners, in respect to such of the said lands and buildings, as shall be disposed of by sale and conveyance, or to such as shall be valued by a jury, as aforesaid, shall be returned into the secretary's office of this island, there to be recorded, and shall be deemed and taken to be records of this island, to all intents and purposes whatsoever; and the same, or true copies thereof, shall be taken, adjudged, and deemed, good and sufficient evidence and proof, in any of the courts of law or equity in this island.

Proceedings of commissioners to be recorded, and to be evidence in the courts.

IV. And be it enacted by the authority aforesaid, That the purchase-money of such of the said lands and buildings as shall be sold by the persons interested therein, and also the value of such as shall be valued and assessed, as aforesaid, and all expences whatever, which shall or may attend the carrying into effect this act, and the several purposes thereof, shall be borne, paid, and defrayed, by the justices and vestry of the said parish of Kingston, from and out of the funds of, or taxes assessed in, the said parish; and, in case the same shall be inadequate, or not sufficient, for the purpose, that then the deficiency shall be raised and collected, by a fair and equal tax on the inhabitants of the said parish, or on properties therein; the same to be assessed, levied, and collected, or payment enforced, as in cases of other parochial taxes assessed in the said parish of Kingston.

Purchase-money to be defrayed from the parochial funds.

V. And be it enacted by the authority aforesaid, That the said commissioners, or any three of them, shall, and they are hereby required to, sell and dispose of all and every the materials appertaining to any of the buildings

Commissioners empowered to dispose of materials

of the bull-
ings purcha-
sed, and the
produce to go
to the parish,
towards ex-
pences ac-
crued.

which, for effecting the purposes of this act, they shall deem it necessary and expedient to purchase, or to have valued and assessed by a jury, as afore-
said; such sale and disposal to be, either by private contract or otherwise,
as the said commissioners, or any three of them, shall think proper; and
the monies arising therefrom, to pay unto the justices and vestry of the said
parish of Kingston, to be by them applied towards the expence of carrying
into effect the purposes of this act.

Penalty on
deputy-mar-
shal, and on
jurors, for
neglect of
duty.

VI. And be it enacted by the authority aforesaid, That if the deputy-marshal
for the said parish of Kingston shall refuse or neglect to empanel, summon,
and return, a jury, under the directions of this act, as is herein-before ap-
pointed; and, if any person (being duly qualified to serve on juries) who
shall be so empaneled and summoned, shall neglect or refuse to comply with
the exigency of such summons or requisition, the deputy-marshal, or the
person so offending, in either of the said particulars, shall forfeit and pay
the sum of ten pounds for each time of offending; the same to be re-
coverable by warrant of distress, and sale of the offender's goods and chat-
tels, under the hand and seal of any one justice of the peace for the said
parish of Kingston, directed to any lawful constable of the said parish, and
to be applied towards effecting the purposes aforesaid.

Public act.

VII. And be it further enacted by the authority aforesaid, That this act shall
be deemed, adjudged, and taken, to be a public act, and judicially received
as such, in all places, and by all persons whatsoever, without being specially
pleaded.

C A P. XXVI.

*An act for assessing a toll or duty on certain carriages,
therein described, passing over the bridge built across
Black-River Bay, in the parish of St. Elizabeth, for
the keeping in sufficient repair the said bridge.*

[21st December, 1798.]

Preamble.

WH E R E A S the bridge across the river at Black-River Bay, in
the parish of St. Elizabeth, having been built of wood, and
at a very considerable expence, and the same having received very
great injury, and is still liable to be much injured, from the frequent pas-
sage of waggons, wains, carts, and other carriages, laden with heavy articles:
And whereas the upholding and maintaining the said bridge in sufficient
repair, is a measure of public utility, and will be attended with great ex-
pence: To the intent, therefore, that a fund may be provided and esta-
blished for that purpose, We, your majesty's dutiful and loyal subjects, the as-
sembly of this your majesty's island of Jamaica, humbly beseech your majesty that
it

In order to
provide a
fund for up-
holding the
bridge at
Black-River
Bay;

it may be enacted; be it therefore enacted by the lieutenant-governor, council, and assembly, of this most majestic island, and it is hereby enacted and ordained by the authority of the same, That the members in assembly for the said parish of St. Elizabeth for the time being, the custos for the said parish for the time being, and the three next senior magistrates (not being members in assembly for the said parish) for the time being, shall be, and they are hereby nominated and appointed, trustees for repairing and keeping in repair the said bridge, across the river at Black-River Bay, in the parish of St. Elizabeth; and also for putting in execution all other the powers in and by this act given and granted; and the said trustees, or any three or more of them, or such person or persons as they, or any three or more of them, shall authorize and appoint, shall and may, from and immediately after the passing of this act, erect, or cause to be erected, a gate or turnpike, upon or across the said bridge, and there shall receive and take, the toll or duty following, before any of the carriages, next herein-after described or mentioned, shall pass over or across the same; *to wit*, For every waggon, wain, or other carriage, having four wheels, and commonly used for the carriage and transportation of, and actually carrying or being laden with, produce, lumber, goods, wares, merchandise, or other articles of weight and burden, the sum of ten shillings; and for every such carriage, having two wheels, the sum of six shillings and eight pence: *Provided always*, That this act doth not extend to charge with the said toll or duty, any carriages that shall, from time to time, be employed in the actual service of the said trustees, in the repairing, or amending, the said bridge; and which respective sums of money, before-mentioned, shall be received and taken, as and for a toll or duty; and the money thereby to be raised, shall be vested in the said trustees, for the purposes herein-after mentioned: And the said trustees, or any three or more of them, are hereby authorized and empowered, by themselves, or such person or persons as they, or any three or more of them, shall appoint, (and which appointment they, or any three or more of them, are hereby authorized and empowered to make, give, and grant,) to levy the said several tolls or duties, upon any person or persons who shall, upon demand thereof made, neglect or refuse to pay the same, by distress of any cattle, carriages, or the goods thereon laden, from which such toll or duty ought to arise, or upon any other the goods and chattels, of him, her, or them, who ought to pay the same, and such distress to impound, keep, or detain, until such toll or duty, with all costs and charges, reasonably incident thereto, be paid and satisfied; and further to sell and dispose of the same, in such sort, manner, and form, as distresses for rent arrears may be sold and disposed of, by the laws and statutes of Great-Britain.

trustees appointed,—

who are to cause gates or turnpikes to be erected, and tolls to be received, before cattle or carriages pass.

Rates of toll to be paid.

Those employed in repairing the bridge to pass free.

Monies arising from tolls vested in trustees.

If tolls not paid, they may be distrained for,

and distress sold.

II. And be it further enacted by the authority aforesaid, That the monies to be raised, levied, and received, by virtue of this act, shall be, by the said trustees, applied to and for the maintaining and keeping in good and sufficient

Tolls to be applied in repairing the bridge.

and other incidental expences.

Tolls to be paid only once a day.

Trustees may allow salary to collector of tolls, who is to be accountable to them for monies received.

Disputes arising between trustees and collectors, to be decided by two justices of the parish.

Trustees empowered to compound the tolls.

They may lease the toll for three years, taking sufficient security,

ent repair, the aforesaid bridge, and in defraying all charges and expences incident thereto, and in carrying into effect the several other purposes of this act, according to the true intent and meaning thereof: And it is hereby provided, That the said trustees, or any person or persons acting under their direction, authority, or appointment, shall not be enabled, under the authorities of this act, to exact any toll or duty, for one and the same thing, more than once, in one and the same day.

III. And be it enacted by the authority aforesaid, That the said trustees shall grant and allow, to the person or persons to be appointed by them, as collector or collectors, receiver or receivers, of the aforesaid tolls or duties, such reasonable salary, hire, or reward, as they, or any three or more of them, shall think fit; and them, or any of them, to remove, and others in their place and stead to put: And which said collector or collectors, receiver or receivers, shall be, and they are hereby declared to be, made liable and accountable to the said trustees, either according to such particular contracts and agreements, as shall be made, and shall subsist, between them, or, in general, for all such sums as they shall respectively receive, over and above such hire, wages, or salary, as is herein-before mentioned and provided for.

IV. And be it enacted by the authority aforesaid, That if it shall happen, that any dispute shall arise between the said trustees, and the said collectors and receivers, or any of them, or any of their deputies, servants, or substitutes, concerning the sums received, or to be accounted for, or otherwise, or for or concerning any other thing whatsoever, done or to be done, or pretended to be done, under the directions, authorities, or provisions of this act, the same shall be heard, adjudged, and determined, by any two justices of the peace for the said parish of St. Elizabeth; such judgment and determination to be final and conclusive, and to be enforced by the warrant, orders, or other legal authority, of the said justices.

V. And be it enacted by the authority aforesaid, That the said trustees, or any three or more of them, shall be, and they are hereby, empowered to agree with any person or persons whatsoever, upon such terms as to them may appear reasonable, for yearly, half-yearly, or quarterly sums, to be paid to the said trustees, or any person or persons acting in authority under them, instead of the tolls or duties, herein-before specified and expressed.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the said trustees, or any three or more of them, and they are hereby empowered; by deed or deeds, under their hands and seals, to rent or lease the said toll, for any term not exceeding three years, to any person or persons willing to rent or lease the same, and who shall give good and sufficient security to the said trustees, and their successors, trustees for the time being, for the purposes in this act mentioned, for the due and punctual

tual payment of the rent thereof, and for the performance of all such covenants and agreements, as may be concluded and agreed upon between the said trustees, or any three or more of them, and the person or persons so becoming lessee or lessees of the said toll: And that, in case of non-payment of the stipulated rent, or breach of any of the said covenants and agreements, it shall and may be lawful, to and for any of the said trustees, or their successors, trustees for the time being, for the purposes in this act mentioned, to commence a proper and necessary suit or action, or suits or actions, against the said lessee or lessees, and against his, her, or their security or securities, and such suit or suits, action or actions, to prosecute to final judgment and recovery.

and, on non-payment of rent, may sue for the same;

VII. And, to the intent that the said trustees may be the better, more fully, and legally, empowered and authorized to commence and prosecute such suit or suits, action or actions, and also to carry into more effectual execution the several purposes of this act, be it enacted by the authority aforesaid, That the said trustees shall be, and they are hereby declared to be, a body corporate; and they, or any three or more of them, shall have full power, and lawful authority, to sue or be sued, implead or be impleaded, to answer or be answered unto, in all manner of courts in this island, in all manner of suits whatsoever, relating to the said toll, in, by, and under, the names and description of "THE TRUSTEES OF THE BLACK-RIVER BRIDGE TURNPIKE."

for which purpose they are declared a body corporate.

Name and description.

VIII. Provided always, and it is hereby enacted, That no agreement had and concluded, by and between the said trustees, or any of them, and any person or persons intending to rent or lease the said toll, shall be held and considered as lawful or binding, unless the said trustees, or any three or more of them, shall have caused four weeks public notice to be given, of their intention to rent or lease the said toll to, and of their willingness to receive proposals from, any person or persons desirous of renting or leasing the same, giving sufficient security for the payment of the rent, and performance of all necessary covenants and agreements.

No agreement to be made for leasing the toll, without four weeks previous notice.

IX. And be it further enacted by the authority aforesaid, That this act shall continue and be in force, for the term of nine years from the passing thereof, and no longer.

This act in force for nine years.

X. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such, by all judges, justices, and others, without the same being specially pleaded.

Public act.

CAP. XXVII.

ANNUAL.

An act for raising a tax by the poll, and on trades, supercargoes, and masters of vessels, and on offices and houses, and on certain wheel-carriages; and applying the same to several uses.—In force until 31st December, 1799.—[14th March, 1799.]

CAP. XXVIII.

ANNUAL.

An act to oblige the several inhabitants of this island, to provide themselves with a sufficient number of white men, white women, or white children, or pay certain sums of money in case they shall be deficient; and applying the same to several uses.—In force until 31st December, 1799.—[14th March, 1799.]

CAP. XXIX.

An act to prevent any intercourse and communication between the slaves of this island, and foreign slaves of a certain description; and for other purposes.

[14th March, 1799.]

Preamble.

All slaves who have resided in St. Domingo, or any other island, &c. belonging to, or under government of France, since 23d August, 1791, to be exported within six months, under penalty of 200*l.* for each;

WH E R E A S there hath of late been a great influx of foreign slaves into this country, and the preservation of the public safety and tranquillity of this island requires, that any intercourse and communication between the slaves thereof and such foreign slaves should be prevented with all possible care: We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same, That every person who now hath, or within six months from and after the passing of this act shall have, in his or her possession, in this island, as owner or proprietor, or in the right of any other person whatsoever, or under his or her care or management, as the representative of any owner or proprietor absent from this island, any slave or slaves who, at any time since the twenty-third day of August, in the year one thousand seven hundred and ninety-one, hath or have inhabited or resided, or in anywise shall have been living or abiding, in the island of St. Domingo, or any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, shall, within the said space of six months from and after the passing of this act, export, or cause to be exported, off this island, every such slave as aforesaid, under the penalty of two hundred pounds, to be forfeited for each and every such slave as aforesaid, which shall be refused or neglected so to be exported within the time aforesaid; and to be recovered in the supreme court of judicature, or one of the courts of assize in this island; one moiety whereof

shall

shall be to the use of his majesty, his heirs and successors, for the support of the government of this island; and the other moiety to the person suing for the same: ~~Provided nevertheless~~, That nothing in this act contained shall extend, or be construed to extend, to any such foreign slave or slaves, as hath or have been certificated, under the authority and by virtue of an act entitled, *An act to provide further regulations for such slaves as have been admitted into this island; and to regulate the admission of slaves of a certain description*, passed in the year one thousand seven hundred and ninety-four, or of another act, entitled, *An act to prohibit the selling, purchasing, hiring, or employing, certain foreign slaves, except as therein mentioned*, passed on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-six, within the time limited by the said acts respectively, by the clerk of the peace, or his lawful deputy, of any parish of this island, wherein the person owning or possessing such slave or slaves was, or resided, at such time; nor to compel the exportation of any domestic slave belonging to any French person, residing in either of the towns of Kingston or Port-Royal, who shall obtain a certificate for such slave, under the authority of the two sitting magistrates of the town of Kingston, from the clerk of the peace of the said town or precinct, in the manner by this act hereafter directed.

except such as have been certificated under

35 Geo. III. cap. 22,

or 36 Geo. III. cap. 19.

as well as domestic slaves of French persons in Kingston or Port-Royal, who shall obtain certificates.

II. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to sell or manumize, or to purchase, or to make or receive any conveyance of, any slave or slaves, of the description of slaves herein-before ordered to be exported, or by this act hereafter prohibited to remain or abide in this island, unless such sale and purchase, or such conveyance, shall be made *bond fide* for the express purpose of exporting the slave or slaves, so sold and purchased, or so conveyed, according to the directions of this act; and that every person selling, manumizing, or purchasing, or making or receiving any conveyance of, any such slave or slaves, contrary to the intention and meaning of this act, shall forfeit the sum of three hundred pounds for each slave, so sold, manumized, purchased, or conveyed, to be recovered in the supreme court of judicature, or in one of the courts of assize in this island; one moiety whereof to be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the other moiety to the person suing for the same.

No such slaves to be sold, manumized, or purchased, except for exportation, under penalty of 300*l*.

III. And be it further enacted by the authority aforesaid, That any sale or sales, or conveyance or conveyances, of such slaves, and any manumission of such slaves, as shall be made contrary to the true intent and meaning of this act, and also all such sales and manumissions of foreign French slaves, as have heretofore been made, contrary to the true intent and meaning of any or either of the several acts, passed at different times since the year one thousand seven hundred and ninety-one, *to prohibit the selling, purchasing, hiring, or employing, certain foreign slaves, except as therein mentioned*, shall be null and void,

Former as well as future sales of such slaves declared void;

except, in small numbers, from one French person to another; and these must also be exported.

void, to all intents and purposes whatsoever; save and except such slaves as may have been sold by one French person to another, provided the number of slaves so sold shall not, at any one time, have exceeded two in number; and provided also, that all such slaves, so excepted, shall be exported within the time prescribed by this act.

After six months, no French slaves as above described, to be hired, possessed, harboured, or entertained in,

nor to be brought into, this island:

And no foreign slaves as before described, to remain in this island,

except domestic slaves having certificates, who may abide, and be hired or employed, in Kingston and Port-Royal.

IV. And be it further enacted by the authority aforesaid, That, from and after the expiration of six months after the passing of this act, it shall not be lawful for any person or persons whatsoever in this island, to hire, employ, harbour, or entertain, or in anywise to have in his or her possession, or to suffer to remain or abide on his or her settlement or property, or on any settlement or property in his or her possession, or under his or her care or management, as the attorney, agent, executor, administrator, guardian, mortgagee in possession, trustee, overseer, or otherwise, of any other person or persons, any slave or slaves who, to his or her knowledge, hath or have been imported or brought into, or hath or have otherwise arrived in, this island, since the twenty-third day of August, in the year one thousand seven hundred and ninety-one, or who shall, at any time hereafter, in anywise arrive therein; which slave or slaves hath or have, or shall have, at any time before such arrival, and since the day and year aforesaid, inhabited or resided, or been in anywise living or abiding, in the island of St. Domingo, or any other island, colony, territory, or dominion, belonging to or under the government of the French nation; or any slave or slaves who, after the passing of this act, shall be imported or brought into, or shall otherwise arrive in, this island, from any colony, territory, or dominion, belonging to any other nation now at war with Great-Britain: And it is hereby declared, That every foreign slave, of the description aforesaid, shall be, and he or she is hereby, prohibited to remain or abide any where in this island, under the pains and penalties by this act hereafter declared and enacted: ~~Provided nevertheless~~, That nothing herein contained shall extend to prevent the remaining or abiding in this island, within the limits of the towns of Kingston and Port-Royal, or the hiring or employing in the said towns, and no where else, such domestic slaves of any French person or persons residing in either of the said towns, as shall have obtained certificates for such slaves, from the office of the clerk of the peace of the town of Kingston, in the manner hereafter directed; or shall affect any such foreign slaves as have been certificated, under the authority, and by virtue, of the two acts herein-before mentioned, passed in the years one thousand seven hundred and ninety-four and one thousand seven hundred and ninety-six, in the manner directed, and within the respective times limited, by the said acts; or such foreign seafaring slaves, as by this act are hereafter excepted, provided they pass not the limits and boundaries thereby prescribed.

On information or suspi-

V. And be it further enacted by the authority aforesaid, That, from and after the expiration of six months as aforesaid, after the passing of this act, it may

may and shall be lawful for any one of his majesty's justices of the peace, in any of the parishes or precincts of this island, upon information, complaint, or suspicion, that any slave or slaves, of the description herein-before given, and prohibited to remain or abide in this island, is or are hired, employed, harboured, or entertained by, or is or are in anywise in the possession of, any person or persons, or suffered to remain or abide on any settlement or property belonging to, or in the possession, or under the care or management of, any person or persons, as before-mentioned, in his respective parish or precinct, contrary to the true intent and meaning of this act, to associate with himself two other justices of the peace, of the same parish or precinct, who, together, shall inquire into the grounds of the said information or complaint, or of the suspicion as aforesaid; and, in case such information or complaint, or such suspicion, shall appear to be probable and well founded, shall cause the person or persons informed against, or complained of, or so suspected, to be summoned to be and appear before them, at some time and place in such summons to be specified, to answer to such information or complaint, or to be examined on the subject of such suspicion as aforesaid; and also all persons capable, or judged by them to be capable, of giving evidence concerning the matters charged in such information or complaint, or the subject of such suspicion as aforesaid, to be examined touching their knowledge of the same: And the person or persons so informed against, complained of, or suspected, shall be enjoined and commanded by the said summons to produce, at the same time and place, before such justices so associated, all and every such foreign slave or slaves as he, she, or they, shall have in his, her, or their possession, or hired, employed, harboured, or entertained, by him, her, or them, or in anywise abiding or being on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, as aforesaid.

cion of foreign slaves being hired, harboured, &c. after the time limited by law,

any magistrate may associate two others with himself, and inquire into the grounds thereof; and, if well founded, may summon parties to produce such slaves, and witnesses to give evidence respecting them.

VI. And be it further enacted, That in case any person, so directed to be summoned, shall keep his or her gates shut, or shall keep him or herself out of the way, or secrete him or herself, so that the officer directed to execute the said summons, shall not be able to serve the same personally, the affixing a copy thereof to the gate, or the leaving such copy at the dwelling-house of such person, shall be taken as a service thereof, and be deemed to be as good and valid in law, as if the original thereof had been exhibited to the person named therein.

If persons summoned shut their gates, or otherwise prevent or evade the service, copy of summons affixed to or left at dwelling, to be good service.

VII. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the three justices of the peace, associated as aforesaid, in case such person or persons informed against, complained of, or suspected as aforesaid, shall not appear before them, at the time and place required by the summons aforesaid, upon due proof on oath being made of the

Persons disobeying such summons, or behaving contumaciously before the magistrates, may be committed

to gaol for
three months.

service thereof, to issue their warrant to the provost-marshal, or his lawful deputy, or any lawful constable, for the apprehending and bringing before them such person or persons; and, when so brought, (and also in case any such person or persons, either voluntarily appearing, or brought before them by virtue of their warrant as aforesaid, shall refuse to be examined on oath, on the subject of any suspicion as aforesaid, or shall be found to prevaricate in his, her, or their answers) to commit him, her, or them, to the common gaol, for such contempt, without bail or mainprize, for such time, not exceeding three months, as to their discretion shall seem fit.

Persons con-
victed of hir-
ing or enter-
taining such
slaves, con-
trary to law,
to be fined
200*l.* for each
slave hired,
&c.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons, who shall be duly convicted, before such three justices of the peace associated as aforesaid, on the oath or oaths of one or more credible witness or witnesses, or on his, her, or their own voluntary confession, of knowingly and wilfully hiring, employing, harbouring, or entertaining, or in anywise retaining in his, her, or their possession, any slave or slaves, of the description herein-before given, and prohibited to remain or abide in this island, or of knowingly suffering any such slave or slaves to remain or abide on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, after the expiration of the time limited by this act, and contrary to the intent and meaning thereof, shall forfeit the sum of two hundred pounds for every slave, so hired, employed, harboured, or entertained, or in anywise possessed, or suffered to remain or abide, on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, as aforesaid; and in case such slave or slaves shall not be produced before the said justices, in the manner required as aforesaid, such person or persons, refusing or neglecting so to do, shall forfeit each the further sum of two hundred pounds, for every slave so proved to have been hired, employed, harboured, or entertained by, or in anywise in the possession of, any such person or persons, or suffered to remain or abide on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, as aforesaid, contrary to the intent and meaning of this act, and not produced by him, her, or them: And the justices aforesaid are hereby authorized and empowered, to commit the offender or offenders to the common gaol of the county, wherein the offence shall have been committed, there to remain, without bail or mainprize, until he, she, or they, shall have duly paid the several penalties incurred as aforesaid; one moiety of which said penalties shall be to his majesty, his heirs and successors, for and towards the support of the government of this island, and the other to the informer or prosecutor.

besides 200*l.*
for each such
slave they re-
fuse or neg-
lect to pro-
duce before
the magis-
trates,

and to be im-
prisoned until
fine paid.

IX. And

IX. And be it enacted, and it is hereby declared, That the informer shall be admitted both to prosecute and give evidence, in every such prosecution as aforesaid: ~~Provided nevertheless~~, That in case any person or persons shall be convicted on the evidence of the informer or prosecutor, the whole of the penalty or penalties, incurred by such conviction, shall, after the deduction of the expence of such prosecution, be paid to the receiver-general for the time being, to be applied to the support of the government of this island.

Informer may prosecute, but penalty, on conviction, to go to the public.

X. And be it further enacted by the authority aforesaid, That in all cases wherein any such slave or slaves, as aforesaid, shall be refused or neglected to be produced before the three justices, associated in the manner before directed, by any person or persons hiring, employing, harbouring, or entertaining, or having such slave or slaves in his, her, or their possession, or suffering such slave or slaves to remain or abide on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, when required so to do by any summons as aforesaid, or otherwise commanded by such justices as aforesaid, it may and shall be lawful for the said justices, and they are hereby empowered and required, to issue their warrant for the apprehending and bringing before them all such slaves as aforesaid, concerning whom such information or complaint as aforesaid shall have been made, or such suspicion as aforesaid shall lie; or who shall any how appear to such justices to be on any settlement or property, belonging to any such person or persons as aforesaid, or in his, her, or their possession, or under his, her, or their care or management; which warrant shall be directed to the provost-marshal, or any of his lawful deputies, or any lawful constable; who are hereby directed and enjoined to execute the same.

On refusal to produce such slaves before magistrates when summoned, warrant to be issued for their apprehension.

XI. And be it enacted, That if any person whatsoever shall not, on demand made, open his or her gates, or shall otherwise resist any deputy-marshal, or any constable, in taking up any such slave as aforesaid, under the authority hereby given, and according to the meaning of this act, every such person shall forfeit the sum of two hundred pounds for every such offence.

Persons resisting such warrant, to forfeit 200*l*.

XII. ~~Provided nevertheless~~, and it is hereby enacted, That in case any deputy, or other officer acting under the authority, of the provost-marshal, or any other person or persons, shall make use of any opportunity that may be afforded to him or them, on occasion of the execution of any warrant issued by any magistrate or magistrates, in the manner aforesaid, under the authority and by virtue of this act, to make any levy, or to execute any judicial or mesne process in any civil cause, every such levy, and the execution of every such process, shall be null and void, to all intents and pur-

Deputy-marshals making other levies in civil causes, while executing such warrants, levy to be void;

The officer to be liable to all damages, and on conviction to be imprisoned for six months.

poses whatsoever; and that every person making such levy, or executing, or attempting to execute, any such process, shall be subject and liable to all damages and expences arising therefrom; and, on conviction thereof before any three justices of the peace of the parish or precinct, wherein the offence shall have been committed, shall suffer six months imprisonment, without bail or mainprize, in the common gaol, for every such offence.

Proceedings against such slaves declared to be a criminal process, and only such description as may identify them necessary.

XIII. And whereas doubts have arisen, whether the proceedings against such slaves as aforesaid should be considered as a criminal or a civil process, and whether, in order to sustain the legality of any warrant issued to apprehend or to commit such slaves, it be not necessary, to set forth in such warrant the proper name of each individual slave, which name, in many cases, it may be impossible to obtain: It is hereby declared, That every such process is, and shall be taken to be, of a criminal nature, and that any such particular description, as shall be sufficient to ascertain the person of any such slave, or to discriminate such slaves from any others, not being foreign slaves within the true intent and meaning of this act, shall be deemed to be a sufficient specification of any such slave or slaves, in any warrant issued under and by virtue of this act.

Proscribed slaves produced before magistrates, or apprehended by warrant, to be committed to gaol, until transported, unless proof is made that they are not of such description.

XIV. And be it further enacted by the authority aforesaid, That all and every slave or slaves, who shall be produced to the justices of the peace associated as aforesaid, by the person or persons hiring, employing, harbouring, or entertaining, or having such slave or slaves in his, her, or their possession, or suffering such slave or slaves to remain or abide on his, her, or their settlement or property, or on any settlement or property in his, her, or their possession, in the right of any other person, or under his, her, or their care or management, or apprehended and brought before the said justices, by virtue of their warrant issued for that purpose, in the manner aforesaid, shall, by such justices, (unless due proof shall be made on the examination, to their satisfaction, that such slave or slaves is or are not of the description of slaves herein-before given, and prohibited to remain or abide in this island, and that such slave or slaves doth, or do not, come within the intent or meaning of this act,) be committed to the county-gaol, there to be detained in safe and close custody, until such slave or slaves shall be transported in the manner hereafter declared.

Justices to issue their order to provost-marshal, to sell such slaves for transportation.

XV. And be it further enacted by the authority aforesaid, That the justices associated as aforesaid shall be, and they hereby are, empowered and required to issue their order to the provost-marshal, or his lawful deputy of the gaol to which any such slaves as aforesaid shall be by them committed, to sell all such slaves for transportation in the manner hereafter declared; and the said justices are hereby further directed, to transmit a copy of the examination, together with a copy of the warrant of commitment, and of the order aforesaid, to the clerk of the peace of the precinct wherein such justices shall

shall act, to be recorded forthwith in his office; under the penalty of two hundred pounds, to be forfeited by the said clerk of the peace for every neglect so to do: And, in case any gaol-keeper shall refuse to receive into his custody, any slave committed to his charge for the purpose of transportation, under the directions and by virtue of this act, or having received, shall not detain and keep in safe and close custody, every such slave, until such transportation shall be duly carried into effect, he shall, for every such default, forfeit the sum of five hundred pounds.

Copy of proceedings and order to be sent to clerk of peace, to be recorded. Penalty of 500*l*. on gaol-keepers refusing to receive and detain such slaves.

XVI. And be it further enacted by the authority aforesaid, That the provost-marshal, or his lawful deputy, to whom any orders shall be issued, by any justices of the peace associated in the manner aforesaid, for the selling for transportation any slave or slaves, under the authority and by virtue of this act, shall, under the penalty of five hundred pounds, carry the said order into effect, as soon after any such slave or slaves as aforesaid shall come into his possession or custody, as an opportunity shall offer, after the sale made, herein-after mentioned; and the monies arising from such sale, after deducting therefrom a commission of five pounds *per centum*, and all expences, shall be applied (except in such cases, wherein it shall hereafter by this act be otherwise directed) in the following manner; to wit, one moiety thereof to his majesty, his heirs and successors, for and towards the support of the government of this island; and the other moiety to the informer or prosecutor, or the person or persons apprehending such slave or slaves, as the case may be: Provided always nevertheless, That the said provost-marshal, or his lawful deputy, shall, under the penalty of one hundred pounds for each default, cause public notice of such sale to be given in the Royal Gazette, if such sale shall be intended to be had in either of the counties of Middlesex or Surrey; or in the Cornwall Chronicle, if in the county of Cornwall; for two weeks previous to the sale being made of any slave or slaves, (specifying in such advertisement the number of slaves so intended to be sold) who shall be directed to be sold for transportation, under the authority and by virtue of this act.

Provost-marshal to execute such order of justices as soon as may be, under penalty of 500*l*.

Application of monies arising from sales.

Sales to be advertised for two weeks.

XVII. And be it further enacted by the authority aforesaid, That every slave who, under the authority and by virtue of this act, shall be sold for transportation by the provost-marshal, or his lawful deputy, shall, notwithstanding such sale, remain in the custody of the said provost marshal, or his said deputy, until the purchaser of such slave shall have entered into bond, with sufficient security, to our sovereign lord the king, under the penalty of five hundred pounds for every such slave so purchased, that every such slave shall be exported off this island, within thirty days after the date of such bond, and shall, in the mean time, be kept in close confinement on board the ship or vessel in which such slave is intended to be exported; which bond shall be taken by the said provost-marshal, or his lawful deputy aforesaid (for which the said provost-marshal, or his said deputy, shall receive,

Purchasers of such slaves to give bond in 500*l* penalty, to export them within thirty days, and to keep them in confinement during that time;

bond to be
lodged in
clerk of
peace's office.

ceive, from the party entering into the same, all expences incidental thereto), and be filed among the records of the clerk of the peace's office of the precinct wherein such sale shall be made.

Purchaser to
make oath
that slaves
shall be ex-
ported, and
that they
shall not be
re-landed.

XVIII. And be it further enacted by the authority aforesaid, That every such purchaser of any slave, so directed to be sold for transportation as aforesaid, shall, at the time of executing such bond as aforesaid, also make oath before the provost-marshal, or his lawful deputy (either of whom is hereby authorized and required to administer the same), that every such slave so purchased by him, shall be exported to (death or danger of the seas excepted); and that the said slave so purchased shall not, with his knowledge, privity, or consent, be re-landed in this island.

No slave to
be delivered,
until bond ta-
ken, and oath
made, under
penalty of
300*l.* on pro-
vost-marshal,
&c. and if
slave found
again, to be
forfeited.

XIX. And be it further enacted by the authority aforesaid, That the provost-marshal, or any of his deputies, shall not, under the penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers, any slave so sold for transportation as aforesaid, until such bond is entered into, and oath taken as aforesaid: And, in case any such slave, so sold for transportation as aforesaid, shall be found within this island, after the expiration of the thirty days before limited for his or her exportation, such slave shall become forfeited to the crown, and be re-sold for transportation, by the provost-marshal, or his lawful deputy, in the same manner, and under the like penalties, as are herein-before enacted.

Such slaves,
going at large,
may be ap-
prehended,
by any per-
son, and on
due proof re-
fold, by order
of a magis-
trate, for
transporta-
tion.

Application
of proceeds.

XX. And be it further enacted by the authority aforesaid, That every slave sold for transportation, under and by virtue of this act, who shall be found at large within this island, at any time after such sale as is herein-before directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of his majesty's justices of the peace; and, if it shall be made appear to the satisfaction of such justice, that such slave has been formerly sold for transportation, by virtue of this act, such justice shall, by warrant under his hand and seal, direct such slave to be delivered to the provost-marshal, or his lawful deputy, to be re-fold, for transportation only: And the monies arising from such sale, after the deduction of the commission of five pounds *per centum*, and all necessary expences, shall be paid over, one moiety thereof to the person apprehending such slave, and the other moiety to the receiver-general for the time being, for the support of the government of this island.

Foreign per-
sons of colour
or negroes,
going at large,
except on the
properties
they belong
to,

XXI. And be it further enacted by the authority aforesaid, That, immedi-
ately from and after the passing of this act, in case any foreign person of
colour, or foreign negro, shall be found going about, or at large, in any
part of this island, except on the settlement or property of any person
claiming to be the owner or proprietor of such person of colour or negro, or
having such person of colour or negro in his or her possession, or under his or
her

her care or management, as the representative, or in the right of another, and within the term of six months from and after the passing of this act, hereby allowed for the exportation of such foreign French slaves, as are herein-before mentioned; provided such foreign person of colour or foreign negro shall not have a certificate, passport, or police ticket under the provisions of the act entitled, *An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases*; or shall not be of the description of slaves, that are herein-before excepted from exportation, or are permitted to remain in this island; or unless such foreign person of colour, or foreign negro, shall be under the care of some white person properly authorized, who shall be *bond fide* conducting such person of colour or negro to some barquadier, for the purpose of exporting the same, according to the directions, and within the time limited by this act; all and every of his majesty's justices of the peace, and the peace-officers of every parish of this island, and also all and every of his majesty's subjects, are hereby empowered, directed, and required, to apprehend, or cause to be apprehended, all and every such foreign person or persons of colour, or foreign negro or negroes, so found, and to carry the same, or to cause the same to be carried, before the nearest magistrate; who is hereby empowered and enjoined, to associate with himself two other magistrates of the same parish or precinct; which three magistrates shall, together, take the examination of such foreign person or persons of colour, or negro or negroes, and, unless proof shall be duly made to their satisfaction, that such person or persons of colour, or negro or negroes, so brought before them, is or are not of the description of slaves herein-before ordered to be exported, or prohibited to remain or abide in this island, or that he, she, or they, doth or do come within the intent or meaning of some or one of the exceptions or provisoes, by this act made and declared, they shall commit the said person or persons of colour, or negro or negroes, to the county-gaol, and shall proceed to cause the same to be sold for transportation, by the provost-marshal, or his lawful deputy; and their proceedings be recorded by the clerk of the peace, according to the same regulations, and under the same penalties, as are herein-before enacted and declared; and the monies arising from such sales, shall be applied in the manner herein-before directed.

(unless protected under

39 Geo. III.
cap. 30,

or by certificate;
or under the care of a white person, conducting them for transportation;)

to be apprehended and carried before a magistrate;

who is to associate with two others, and take examination; and unless residence be sanctioned,

to commit them to gaol, and cause them to be sold for transportation.

XXII. And be it further enacted by the authority aforesaid, That whenever any question shall arise, whether any slave, or any foreign person of colour, or foreign negro, taken up, or otherwise brought before any magistrate as aforesaid, is such a slave as comes within the description of slaves herein-before ordered to be exported, or prohibited to remain or abide in this island, the proof to the contrary shall lie on the owner or claimant of such slave, foreign person of colour, or foreign negro, or on the defendant or defendants; any law, custom, or usage, to the contrary notwithstanding.

In such cases where there is doubt, the onus probandi to be on the claimant.

XXIII. And

Slaves for-
merly trans-
ported from
this island,

already re-
turned, or who
may return
thereto, to be
treated in all
respects as
proscribed
slaves.

If foreign
slaves are
found em-
ployed in
droggers, &c.
the vessel to
be seized and
condemned.

In such case,
the slaves to
be sold for
transporta-
tion.

Provido.

Not to extend
to vessels in
foreign trade,

XXIII. And whereas many slaves of a most desperate character, who have heretofore been exported off this island, by the private authority of their owners or proprietors, or of the representatives of such owners or proprietors, for misdemeanors by them committed, and sold into the colonies, islands, or territories, under the French government, have, during the late influx of foreign slaves, found the means to return from the said French colonies, islands, or territories, into this island, and are now at large therein, to the great annoyance and danger of this community: Be it further enacted by the authority aforesaid, and it is hereby declared, That all such slaves so exported as aforesaid, who have already returned, or shall hereafter return to this island, from St. Domingo, or any other foreign colony, island, or territory, shall be deemed and taken to be foreign slaves, of the description hereby prohibited to remain or abide in this island, and be liable, immediately from and after the passing of this act, to be apprehended, and sold for transportation, by the order of the magistrates, in the same manner as is herein-before directed; and that in case any such slave shall wilfully return from such transportation, and be found again, at any time thereafter, in this island, every such slave shall, on conviction thereof before a slave-court, suffer death without benefit of clergy.

XXIV. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall not be lawful for any person or persons to hire, or employ, any such foreign slave or slaves, as is or are of the description by this act prohibited to remain or abide any where in this island, in drogging or navigating any vessel from any bay, harbour, or sea-port, to another, in this island; and that, if any such slave or slaves be found so hired, or employed, it may and shall be lawful for any of the officers of his majesty's customs of this island, and for the naval officer or his deputies, the receiver-general or his deputies, and the commanders of his majesty's different ships of war or armed vessels, and for any of the magistrates of this island, to seize such vessel, and also the slaves aforesaid; and they are hereby severally empowered and authorized to seize the same, and to proceed to the condemnation thereof in the supreme court of judicature, or any of the courts of assize, in this island.

XXV. And it is hereby further enacted, That, on the conviction of such vessel and slaves, the said slaves shall be adjudged by the court to be sold for transportation, by the provost-marshal, or his lawful deputy, in the same manner, and under the same regulations, as are herein-before declared; and that the said vessel, and the monies arising from the sale of the said slaves, after deducting the commissions and charges, shall be forfeited to the sole use and benefit of the party seizing the same: Provided always nevertheless, That nothing in this act contained, shall extend to prevent the hiring or employing any foreign slave or slaves, in navigating any ship or other vessel, registered according to act of parliament, to and from the

the ports of this island, and any other part of his majesty's dominions, or any foreign port, or to affect any slave or slaves employed in navigating any foreign vessel, permitted to trade to any of the ports of this island.

or trading
under free
port acts.

XXVI. Be it nevertheless enacted, and it is hereby declared, That no such foreign seafaring slave or slaves as aforesaid, shall be permitted or suffered to proceed further to the landward of this island, than the wharf, quay, or landing-place, where their labour may be indispensably necessary for the loading or unloading the cargo of the ship or vessel to which such slave or slaves shall respectively belong, on pain of being liable to be apprehended by any of his majesty's subjects, as is hereby before directed, and carried before the nearest magistrate for examination, and of being dealt with, if found to be of the description of foreign slaves hereby prohibited to remain or abide in this island, and to come within the true intent and meaning of this act, in the manner hereby before enacted and declared; or, if found to be of any other description of foreign slaves, of being committed to the nearest workhouse, for a space of time not less than twenty-four hours, and till claimed by his or their respective owner, and the like reward for taking up such slave or slaves, and other charges, enacted by the laws now in force respecting runaway slaves, be paid.

Foreign sea-
faring slaves,
not to go
about at
large, on
shore, under
pain of being
apprehended,
and dealt
with as pro-
scribed slaves,
if of that de-
scription;
and of being
sent to the
workhouse, if
they are not.

XXVII. And whereas there is great reason to apprehend, that people of colour or negroes may be sent from St. Domingo, or some other foreign island or colony, to different parts of this island, for the purpose of exciting sedition, or raising rebellions; or that some of the foreign people of colour or negroes, who have of late arrived from thence, and are permitted to reside here under the sanction of law, may be employed as emissaries for such purposes: Be it further enacted by the authority aforesaid, That all and every of his majesty's justices of the peace, and the peace officers of every parish in this island, and all and every of his majesty's subjects, be, and they hereby are, empowered and required to apprehend and secure, or cause to be apprehended and secured, all and every suspected person or persons of the above description, that may be found in any part of this island, and to bring, carry, or send, him, her, or them, before the nearest magistrate, to be by him examined; who, upon finding that there are probable grounds of suspicion of seditious or rebellious practices, on the part of any such person or persons, or of his, her, or their having exhorted, encouraged, or excited, any slave or slaves, or any free person of colour, or free negro, of this island, thereto, shall then, and in every such case, be obliged, under the penalty of five hundred pounds, to commit all and every such person or persons of colour, or negro or negroes, so brought before him, to close confinement, in any of the gaols of this island, until there shall be an opportunity of calling and assembling a slave-court.

Foreigners of
colour or ne-
groes found
exciting sedi-
tion, or sus-
pected there-
of, to be ap-
prehended
and commit-
ted to gaol,
for trial;

(in which the evidence of slaves is to be admitted)

and if convicted, to suffer death :

In doubtful cases, transportation for life.

Regulations for foreign slaves in Kingston and Port-Royal.

The owners of such, in thirty days from 25th March, annually, are to give in their names and descriptions at clerk of peace's office, and certificates are to be granted them ;

XXVIII. And be it enacted, That on the trial before such court, of any such person or persons as aforesaid, the evidence of slaves shall be received, and that no claim of a right of freedom shall be allowed to be pleaded on the behalf of the prisoner or prisoners, in bar of the jurisdiction of such court ; and, if such person or persons of colour, or negro or negroes, of the above description, upon his, her, or their trial, shall be found guilty of seditious or rebellious practices, or of having exhorted, encouraged, or excited any slave or slaves, or any free person of colour, or free negro, of this island, thereto, the said person or persons, so found guilty and convicted, shall suffer death without benefit of clergy : And, in case there shall not be sufficient proof to convict such person or persons of the charge, on which he, she, or they shall be tried, but the jury shall, nevertheless, from the evidence before them find, by a special verdict, the prisoner or prisoners to be dangerous to the safety and tranquillity of this island, the court is hereby directed and required, to remand such prisoner or prisoners to close confinement in gaol, and to adjudge and order him, her, or them, to be transported off this island for life.

XXIX. And whereas the peace and safety of this island requires, that all such domestic slaves, belonging to any French person or persons residing in the towns of Kingston and Port-Royal, which have been brought hither since the twenty-third day of August, in the year one thousand seven hundred and ninety-one, and have, before such arrival, at any time inhabited or resided, or in anywise been living or abiding, in the island of St. Domingo, or any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, should be put under such regulations as may prevent their having the means of doing any mischief, by mixing with the slaves of this island : Be it enacted by the authority aforesaid, That every such French person, possessed of any such foreign French domestic slave or slaves of the description aforesaid, shall, under the penalty of one hundred pounds for each and every slave neglected to be registered, in the manner hereby directed, within thirty days after the twenty-fifth day of March, in each and every year, so long as this act shall continue to be in force, either by himself, herself, or agent, being a white person, give an account, on oath, of the number, names, and quality, of all such slaves in his or her possession, and produce the same before the two sitting magistrates of Kingston, on such day or days, within the time before limited, as shall be publicly appointed by the custos or chief magistrate for that purpose, at the clerk of the peace's office : And the said sitting magistrates are hereby required, in case it shall be made to appear to their satisfaction, that such slaves so brought before them are really and *bonâ fide* domestic slaves, belonging to the person in whose name such slaves are brought to be registered, and have never borne arms, or acted in any military capacity, before their arrival in this island, to direct the clerk of the peace to make out, and deliver to the owner of every such slave, or his or her agent, a certificate for each such slave, in the following form ; viz.

These

These are to certify, that on the _____ day of _____ A. B. in this form,
 (or his or her agent) *hath produced at this office, a negro (mulatto or other)*
slave, (the name, sex, age, figure, and country of the slave to be de-
scribed) the property of _____ (the name, rank, and occupation
of the proprietor to be set forth) resident in the town of Kingston (or Port-
Royal) since the _____ day of _____
Office of the clerk of the peace, Kingston,
dated the _____ day of _____

(Signed by the clerk of the peace.)

Which certificate shall be in force for one year from the date thereof: to be in force
for one year.
 Provided nevertheless, That no one family shall be entitled to, or allowed to
 receive, certificates for any greater number than six such domestic slaves :
 And such clerk of the peace shall register all such slaves, by making an entry Slaves to be
registered.
 of every such certificate, in the words thereof at length, in a book to be by
 him provided and kept for that purpose.

XXX. And be it further enacted, That every such certificate, as aforesaid, shall be free of any stamp duty imposed by any law now in force, and delivered to the owner of any slave, so registered as aforesaid, or to his or her agent, without any fee or reward whatsoever; and, in case any such certificate shall be lost or destroyed by accident, the same shall be renewed upon application, either personally or in writing, of the owner or possessor of the slave, for whom the same shall have been granted, and such slave being again produced before the clerk of the peace, at his office, and found to agree with the description entered in the register, upon payment of two shillings and six pence by the party applying for the same.

XXXI. And be it further enacted by the authority aforesaid, That the clerk of the peace aforesaid shall, within forty days after the twenty-fifth day of March, in each and every year during the continuance of this act, make a return of all the certificates issued at the preceding general registry, to the custos or chief magistrate of Kingston; in which shall be set forth, the substance and date of every such certificate, under the pain of forfeiting the salary hereby granted for his trouble; which return shall be forthwith transmitted, by the said custos or chief magistrate, under the penalty of one hundred pounds, to the office of the secretary of the lieutenant-governor, or the governor or commander in chief for the time being.

XXXII. And be it enacted, That the custos or chief magistrate of Kingston shall be, and he is hereby, empowered, immediately upon the receipt of such return, to draw an order on the receiver-general for the time being, for the payment of the sum of one hundred pounds, out of any monies in his hands unappropriated, to the clerk of the peace aforesaid; which shall be in full compensation to him, for his trouble in certificating and registering all such slaves as aforesaid.

No foreign domestic slaves to be hired out, but in Kingston or Port-Royal; nor to be sent into the country; (in which cases certificate of no avail) nor to be hired on board vessels, under 100*l.* penalty. In case of seizure of vessel, for having such slaves, *onus probandi* to lie on claimant.

XXXIII. And be it further enacted by the authority aforesaid, That the owner or possessor, or the owners or possessors, of any such foreign French domestic slaves as aforesaid, shall be, and they hereby are, prohibited from hiring the said slaves out in any parish of this island, the towns of Kingston and Port-Royal, as aforesaid, only excepted; or from sending such slaves any whither into the country; (in either of which cases, the certificate last mentioned shall not protect any such slave from being apprehended and taken up, if found at a greater distance than half a mile from one of the said towns, and dealt with as a foreign slave, prohibited by this act to remain or abide in this island) or from hiring them out on board any ship, sloop, or vessel whatsoever, under the penalty of one hundred pounds for each and every such latter offence: And, in case of the seizure of any drogger or other vessel, for having any foreign slaves on board, the proof of their not coming under the description aforesaid, shall lie upon the owner or owners, claimant or claimants, who, notwithstanding, shall be subject and liable to all expences, occasioned by stopping or detaining the said vessel.

Proviso.

Foreign slaves who have never been in St. Domingo, or any other island, &c. belonging to France, or to any nation at war with Great-Britain, since hostilities commenced, as well as those who quitted St. Domingo, &c. before 23d August, 1791, not affected by this act.

XXXIV. Provided always nevertheless, and it is hereby declared, That in case any French person residing in Kingston or Port-Royal, or any other place in this island, shall, at the time of the passing this act, have in his possession, or shall at any time hereafter become possessed, in this island, of any foreign slave or slaves, who never, at any time, hath or have inhabited or resided, or in anywise been living or abiding, in the island of St. Domingo, or any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, or in any colony, territory, or dominion, belonging to any nation now at war with Great-Britain, since the commencement of hostilities, the said slave or slaves shall not be deemed to come within the meaning of this act, or be laid under the restrictions thereof: Provided also, That no slave imported from St. Domingo, or any other French island, colony, territory, or dominion, which slave hath been brought into or arrived in this island, before the twenty-third day of August, in the year one thousand seven hundred and ninety-one aforesaid, and hath constantly resided and lived in this island, ever since such arrival as aforesaid, shall be deemed, or construed to be, within the intent or meaning of this act, or be in anywise affected thereby, to whomsoever such slave may belong.

Persons swearing falsely, to obtain certificates, guilty of perjury.

XXXV. And be it further enacted by the authority aforesaid, That in case any French or other person shall, in order to obtain a certificate from the clerk of the peace aforesaid, for any slave, be guilty of any false and wilful swearing, or shall suborn or procure any other person to swear falsely, he or she, being thereof duly convicted, shall incur and suffer the pains and penalties inflicted by law on such persons as shall commit, or shall suborn any other person to commit, unlawful and corrupt perjury.

XXXVI. And

XXXVI. And be it also enacted by the authority aforesaid, any thing in this act to the contrary notwithstanding, That in case it shall appear to the two sitting magistrates of Kingston aforesaid, that there is just cause to suspect that any slave or slaves, brought before them to be certificated as aforesaid, are not domestic slaves, or do not really belong to the person or persons in whose name or names they are brought to be certificated and registered, or are slaves of such a character or description as may render them dangerous to the peace and tranquillity of this island, the said magistrates are hereby authorized, empowered, and required, to commit forthwith such slave or slaves to gaol, and to associate with themselves one or more other magistrates of the same precinct; which said magistrates, so associated, shall cause to be brought before them all persons capable of giving evidence, and shall, together, take the examination of such slave or slaves as aforesaid; and, unless proof shall be made to their satisfaction, that such slave or slaves are really domestic slaves, belonging to the person or persons in whose name or names they were brought to be certificated and registered, and of a character and description consistent with the true intent and meaning of this act, and that no fraud or collusion has been practised, or been intended to be practised, shall remand such slave or slaves to close confinement in gaol, and cause him, her, or them, to be sold for transportation, by the provost-marshal, or his lawful deputy, and their proceedings to be recorded by the clerk of the peace, in the same manner, and under the same regulations and penalties, as are herein-before enacted and declared; the monies arising from which sale or sales shall, after deducting the commissions and expences, be paid over to the receiver-general for the time being, to be applied towards the support of the government of this island.

In case of suspicious slaves being brought to be certificated,

they are to be proceeded against, as proscribed slaves;

unless proof is made that they are not of such description.

XXXVII. And be it further enacted by the authority aforesaid, That it may and shall be lawful for any peace officer of the parishes of Kingston and Port-Royal, and for any officer or private of the town-guard of Kingston, to apprehend any foreign French slave (seafaring slaves belonging to, and employed in navigating, vessels trading to and from this island, and any port without the same, and found only on the wharves, quays, or landing-places of the said towns, in the manner herein-before mentioned, excepted) who, after the twenty-fourth day of April next, shall be found without a certificate as aforesaid, and to carry such slave before the clerk of the peace of such of the parishes aforesaid, wherein the said slave shall be found, for examination by a magistrate; and, if it shall appear that such slave had been certificated as aforesaid, but that the certificate has been lost by negligence, the said magistrate shall order the owner or owners, claimant or claimants, of such slave, to pay to the person or persons who apprehended him for examination, the sum of ten shillings, and shall commit the said slave to the workhouse for such time, not exceeding twenty-four hours, as in his discretion he shall think fit; and, in default of the immediate payment of the ten shillings aforesaid, until the same shall be duly paid: But, in case

All foreign slaves found in Kingston or Port-Royal, without certificates, after 24th April, to be taken up and examined; (except seafaring slaves on the wharves,) and, if certificate lost by negligence, owner to be fined 10s. and slave sent to workhouse;

but if it appears that any slave apprehended has not been certificated, they are to be proceeded against as directed in the case of proscribed slaves.

no proof shall be offered to his satisfaction, that such slave had been certificated in manner aforesaid, the said magistrate shall be, and he hereby is, authorized and required to associate with himself two other magistrates of the same precinct; which three magistrates, so associated, unless it shall be duly proved to their satisfaction, that such slave is not a foreign slave, of the description herein-before ordered to be exported, or prohibited to remain or abide in this island, or that such slave had been duly certificated, but has lost his certificate, or unless good and sufficient security shall be given, that such slave shall be exported off this island within the time limited by this act (provided the said time shall not be then expired), shall cause such slave to be sold for transportation, by the provost-marshal, or his lawful deputy, in the manner, and under the regulations and penalties, herein-before directed; and the monies arising from such sale, after deducting the commission and all expences, shall be applied in the manner herein-before declared.

Constables, &c. wilfully destroying certificates to be fined 20*l*.

XXXVIII. And be it further enacted by the authority aforesaid, That if any constable or peace officer, or any other person, shall wilfully destroy any certificate, granted in manner aforesaid, to any French domestic slave, by the clerk of the peace of the parish of Kingston, he shall, on being duly convicted thereof, before any three magistrates of the parish wherein the offence shall have been committed, be fined in a sum not exceeding twenty pounds, and be kept in confinement in the common gaol, until the fine be paid; provided that such confinement shall not exceed the term of two months.

Governor, by proclamation, may order all foreign domestic slaves to be exported, and in case of non-compliance, may issue his warrant to provost-marshal, to take up and confine them.

XXXIX. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the lieutenant-governor, or the governor or commander in chief for the time being, upon apprehension of danger to this island, by and with the consent and advice of the privy-council, to order, by proclamation, all such foreign French domestic slaves as aforesaid, or such of them as the said proclamation shall set forth, to be exported off this island by their respective owners or possessors; and, in case such exportation shall not be complied with, according to the terms of, and within the time prescribed by, such proclamation, to order and direct, by warrant under his hand and seal, the provost-marshal, or his lawful deputy or deputies, to apprehend and take up all such slaves as aforesaid, and to keep them in close confinement and safe custody, until such means shall be found of conveying the said slaves out of this island, as the said lieutenant-governor, governor, or commander in chief, shall, with the advice of the privy-council, approve of.

XL. And, in order to prevent any further introduction of slaves from St. Domingo, or any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, or belonging to any other nation now at war with Great-Britain, be it enacted by the authority aforesaid, That, from and after the passing of this act, the master or commander

mander of every ship, vessel, or boat, which shall arrive in any port of this island, from any port without the same, shall, immediately on his arrival, declare, upon oath, to the naval officer, or his deputy of such port, whether there is or are, to the best of his knowledge, any negro or other slave or slaves on board his vessel, not being slaves *bonâ fide* belonging to his said vessel, and employed in navigating the same; and, in his said declaration, shall specify the number, and sex or sexes, of such slaves, if any there be, on board his said vessel, the place or places where they were taken on board, and the name or names of their respective owners or proprietors, and such further particulars concerning them, and each of them, as shall have come to his knowledge; and shall also, at the same time, render, on oath, to the said naval officer, or his deputy, an account and list in writing, of all such slaves on board his said ship, vessel, or boat, as belong thereto, and are employed in navigating the same: ~~Provided nevertheless,~~ That the master or commander of any ship or vessel from the coast of Africa shall, so far as respects any slaves, being new negroes, on board his said ship or vessel, composing the cargo thereof as merchandise, be required and obliged only to declare on oath, generally, whether or not any of the slaves, of the description of new negroes as aforesaid, on board his ship or vessel, have been landed in St. Domingo, or any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, or of any other nation now at war with Great-Britain, since such slaves were brought from the coast of Africa.

Masters of vessels, on arrival, to declare on oath, to naval officer, if slaves on board his vessel, other than the crew;

and specify particulars in writing.

Provido.

Vessels from the coast of Africa excepted.

XLII. And be it further enacted by the authority aforesaid, That the master or commander of any ship, vessel, or boat, so arriving as aforesaid, who shall neglect or refuse to make such declaration on oath, or to render such account and list on oath, as aforesaid, shall, for every such offence, forfeit and pay the sum of seventy pounds, for each and every such slave, who shall have been on board at the time of the arrival of such ship, vessel, or boat, as aforesaid; one moiety whereof shall be to his majesty, his heirs and successors, for the support of the government of this island, and the other moiety to the informer or informers; to be recovered before any three magistrates acting in and for the parish in which such offence shall have been committed: And, that it shall be lawful for the collector and comptroller of the customs of the port, and for the naval officer, or his deputy, where such ship, vessel, or boat, shall have arrived, and they are hereby required and enjoined, to detain such ship, vessel, or boat, as aforesaid, until the same shall have been paid.

Masters of vessels neglecting to declare, to forfeit 70*l.* for each slave found on board;

to be recovered before three magistrates.

Vessel to be detained until fine paid.

XLII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any master or commander of any ship, vessel, or boat, arriving in any port of this island, from any port without the same, to land, or suffer to be landed, any slave or slaves, not being slaves *bonâ fide* belonging to his said vessel, and employed in navigating the same, (in which case

No slave to be landed, without a permit from naval officer, under penalty of 200*l.* and six months

all

imprison-
ment.

all such slaves shall be under the regulations and restrictions, herein-before provided and declared, for foreign seafaring slaves, employed in navigating vessels to and from this island), without a permit in writing from the naval officer, or his deputy of such port where he shall have arrived, under the pain of forfeiting the sum of two hundred pounds, for every such slave so landed; one moiety whereof shall be to his majesty, his heirs and successors, for and towards the support of the government of this island, and the other moiety to the informer; and of suffering the further punishment of six months imprisonment, without bail or mainprize, in the common gaol, on conviction of such offence, before any three magistrates of the parish or precinct wherein it shall be committed.

Naval officer,
to grant no
such permits,
under penalty
of 200*l*.

XLIII. And be it further enacted by the authority aforesaid, That the naval officer, or his deputy, shall not grant to any master or commander of any ship, vessel, or boat, so arriving as aforesaid, any permit, in any other manner than is hereafter-mentioned, to land, or suffer to be landed, any slave or slaves (new negroes from the coast of Africa, which have never been landed in St. Domingo, or any other French or other foreign island, colony, territory, or dominion, whether imported from Africa in British vessels, or found on board any prize vessel taken from an enemy, excepted) under the penalty of two hundred pounds for each and every slave, so permitted to be landed; to be recovered in the supreme court, or either of the courts of assize in this island; one moiety whereof to be to the use of his majesty, his heirs and successors, for the support of the government of this island, and the other moiety to the person suing for the same.

unless oath be
made by the
owner, that
such slave is
not of the de-
scription be-
fore pro-
scribed.

XLIV. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the naval officer, or his deputy of any of the ports of this island, upon oath being made before him, by the owner or proprietor, or his or her agent, being a white person of known credibility, that any slave or slaves, mentioned in the declaration of such master or commander of any ship, vessel, or boat, as aforesaid, hath or have not, at any time theretofore, since the twenty-third day of August, in the year one thousand seven hundred and ninety-one, inhabited or resided, or in anywise been living or abiding, in St. Domingo, or in any other island, colony, territory, or dominion, belonging to, or under the government of, the French nation, or in any colony, territory, or dominion, belonging to any other nation now at war with Great-Britain, since the commencement of hostilities, to grant a permit, in writing, for the landing such slave or slaves as shall be specified in such oath.

Persons here-
in swearing
falsely, guilty
of perjury.

XLV. Provided always, and it is hereby enacted, That in case any owner or proprietor, of any slave or slaves as aforesaid, or his or her agent, shall be guilty of any false and wilful forswearing, in taking the oath aforesaid, or shall unlawfully and corruptly procure or suborn any person, to take the said oath.

oath falsely, he or she, being thereof duly convicted, shall, for every such offence, incur the pains and penalties inflicted by law on all such persons, as shall commit wilful perjury, or shall procure or suborn any person to commit any unlawful or corrupt perjury.

XLVI. And be it further enacted, That in case information shall be given, on oath, to any one of his majesty's justices of the peace, of the parish wherein such slave or slaves so landed may afterwards be found, that the permit to land such slave or slaves was fraudulently obtained, contrary to the intent and meaning of this act, and that such slave or slaves is or are of the description of foreign slaves, herein-before prohibited to remain or abide in this island, such justice of the peace shall be, and he hereby is, empowered and required to cause such slave or slaves to be apprehended, and to associate with himself two other justices of the peace of the same precinct; which justices, so associated, upon the fact being duly proved before them to their satisfaction, shall cause such slave or slaves to be sold for transportation, by the provost-marshal, or his lawful deputy, under the same regulations as are herein-before directed; and the monies arising from such sale or sales, shall be applied in the manner herein-before declared.

On information that permits have been fraudulently obtained, slaves to be apprehended, and proceeded against as directed in respect to those proscribed.

XLVII. And be it further enacted by the authority aforesaid, That the naval officer, or his deputy, of the several ports of this island, shall be entitled, for taking the declaration of the master or commander of any ship, vessel, or boat, and the account and list, as aforesaid, and for administering the several oaths by this act required (which oaths they, or either of them, are hereby authorized and empowered to administer,) and for making out and granting the permit, in writing, for landing any such slave or slaves as aforesaid, to demand a fee of five shillings for every such slave (new negroes excepted) so permitted to be landed, to be paid by the owner or proprietor of the said slaves, or the person applying for the same in his or her behalf, before such slave or slaves shall be landed; which fees shall be in full compensation to such naval officer, and his deputies, for the additional duty imposed on them by this act.

Naval officer to receive a fee of 5s. for each permit, including the declaration, list, &c.

New negroes excepted.

The fee to be paid by the owner.

XLVIII. And be it further enacted by the authority aforesaid, That in case any attempt shall be made to land, clandestinely, any foreign slave, from on board any ship, vessel, or boat, in any port, harbour, bay, or creek, or any where on the sea-coast, of this island, contrary to the true intent and meaning of this act as aforesaid, it may and shall be lawful for any of the officers of his majesty's customs, or any other of his majesty's subjects, to seize every such slave, and to carry the same before the nearest magistrate, who is hereby empowered and directed to associate with himself two other magistrates of the same precinct, who, together, shall examine into the fact of such attempt to land such foreign slave, and, upon due proof being made to their satisfaction, that the same was clandestinely

Foreign slaves taken in the attempt to be landed, to be proceeded with as if found ashore.

done, and not occasioned by shipwreck, or any other unavoidable or irresistible necessity, shall commit such slave to the county-gaol, and order the same to be sold for transportation, by the provost-marshal, or his lawful deputy, in the manner by this act before directed; and the monies arising from such sale, after deducting the usual commissions and charges, shall be applied to the sole use and benefit of the person or persons apprehending and seizing such slave.

Indemnity for
persons exe-
cuting this
act.

Limitation of
actions.

General issue.

Treble costs.

XLIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed, in pursuance and under the authority of this act, such action or prosecution shall be commenced within the space of six months, next after the offence shall have been committed; and that the defendant or defendants therein may plead the general issue, "*not guilty*," and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance, and under the authority, of this act; and if the same shall appear to have been so done, that the jury shall find a verdict for the defendant or defendants; and if the plaintiff or plaintiffs shall become non-suit, or suffer a discontinuance of his, her, or their action, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath or have, for costs of suit, in any other cases by law.

Penalty on
agents for
neglect of
duty.

L. And be it further enacted by the authority aforesaid, That in case any justice of the peace, clerk of the peace, provost-marshal, deputy-marshal, goal-keeper, constable, naval officer, or his deputy, or any other person, by whom any thing is directed by this act to be done and performed, shall refuse to perform, or shall neglect his duty, in any thing required by this act to be done, for which default no penalty is herein-before provided, every such person so offending shall forfeit the sum of one hundred pounds, for every such neglect or refusal.

Recovery of
penalties en-
forced; and

LI. And be it further enacted by the authority aforesaid, That in all cases wherein any penalty, in this act mentioned, is directed to be recovered before any justice or justices of the peace, such justice or justices are hereby empowered and enjoined to commit the offender or offenders, on conviction, to the common gaol, there to remain, without bail or mainprize, until such penalty or penalties shall be duly paid: And that all penalties, not herein directed how they shall be recovered, shall be recovered in the supreme court of judicature, or in the courts of assize, in this island, by action of debt, bill, plaint, or information; wherein, as also in all actions or suits brought for penalties, herein-before expressly directed to be recovered in the supreme court, or courts of assize, no essoin, protection, wager of law, imparlance, or injunction, shall be granted or allowed, or *non vult ulterius*

alterius prosequi be entered; one moiety of which penalties shall be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them, who shall sue for the same.

application thereof.

LII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, an act passed on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-six, entitled, *An act to prohibit the selling, purchasing, hiring, or employing, certain foreign slaves, except as therein mentioned*, shall be and stand repealed: ~~Provided nevertheless~~, That all such offences committed against the said act, before the passing hereof, which it shall be consistent with the purpose, and the true intent and meaning of this act, to punish, and no other, shall be tried and determined, and all pains and penalties thereby enacted, for the punishment of such offences, shall be inflicted and recovered, in the manner and form by the said act provided and declared.

36 Geo. III. cap. 19. repealed.

Offences committed under it, punishable as before.

C A P. XXX.

An act for establishing regulations respecting persons of a certain description, arriving in this island, or resident therein, in certain cases.—[14th March, 1799.]

WHEREAS much danger may arise to the public tranquillity, from the admission into this island of disaffected or suspected persons, and from the difficulty of distinguishing such disaffected or suspected persons from the subjects of his late most Christian majesty, who have been admitted to take the oath of fidelity and allegiance to his majesty, unless due provision be made in respect thereof: We, therefore, your majesty's most dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted; and be it enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, the master or commander of every ship or vessel which shall arrive in any port of this island shall, immediately on his arrival, declare in writing to the naval officer, or his deputy of such ports, whether there are, to the best of his knowledge, any persons not being natural-born subjects of his majesty on board his said vessel, and shall, in his said declaration, specify the number of persons, not being natural-born subjects of his majesty, if any, on board his said vessel, and also specify their names and respective rank, occupation, or description, as far as he shall be informed thereof.

Preamble.

Masters of vessels to give to naval officer, at the port of arrival, a written declaration, specifying the names, &c. of foreigners on board.

Penalty for neglect of so doing.

Application of penalty, and how recoverable.

On non-payment of penalty, the vessel may be detained.

II. And be it further enacted by the authority aforesaid, That the master or commander of every ship or vessel so arriving as aforesaid, who shall neglect or refuse to make such declaration as aforesaid, shall, for every such offence, forfeit and pay the sum of seventy pounds for each and every person, not being a natural-born subject of his majesty, who shall have been on board at the time of the arrival of such ship or vessel as aforesaid, whom he shall have wilfully neglected or refused to declare as aforesaid; one moiety whereof shall be to the informer or informers, and the other moiety to the poor of the parish in which such offence shall have been committed; to be recovered in a summary manner, before any one or more justice or justices of the peace, acting in and for the parish in which such offence shall have been committed, by the confession of the party, or on the oath of one or more credible witness or witnesses: And in case such master or commander, as aforesaid, shall neglect or refuse forthwith to pay such penalty, as he shall be adjudged to pay in manner aforesaid, that it shall and may be lawful for the collector or comptroller of the customs, or the naval officer or his deputy, to detain such ship or vessel, as aforesaid, until the same shall have been paid.

Aliens arriving henceforth to give to naval officer a declaration of their names, rank, &c.

Aliens neglecting to do so, to be adjudged to quit the island, and for non-compliance, to be transported for life.

III. And be it further enacted by the authority aforesaid, That every person, not being a natural-born subject of his majesty, who shall arrive in any port of this island, on or after the passing of this act, shall, immediately after such arrival, declare in writing to the naval officer, or his deputy of such port, or verbally, to be by him reduced to writing, his or her name or rank, occupation or description, and the country or countries, place or places, where he or she shall have principally resided for six calendar months, next immediately preceding such arrival: And that every such person, not being a natural-born subject of his majesty, who shall neglect to make declaration of the aforesaid particulars, or who shall make any false declaration thereof, shall, for every such offence, on conviction thereof in his majesty's supreme court of judicature in this island, or in any court of assize, be adjudged to depart out of this island within a time to be limited in such judgment: And if he or she shall be found therein, after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted thereof, be transported for life.

Aliens to obtain from naval officer a certificate of their declarations.

IV. And be it further enacted by the authority aforesaid, That every such person, not being a natural-born subject of his majesty, so arriving as aforesaid, shall obtain from the naval officer or his deputy (and such officers are hereby respectively required to deliver the same) a certificate of his or her declaration, made in writing or verbally, containing all the particulars in such declaration contained.

The provisions of this act

V. Prohibited always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to the master

master or commander of any ship or vessel, arriving in any port of this island, although such master or commander should not be a natural-born subject of his majesty, so long as such ship or vessel shall actually remain under his command, in any port of this island; or to any mariner, whom the master or commander of any ship or vessel, arriving as aforesaid, shall certify to such naval officer, or his deputy, on oath, in writing, subscribed by such master or commander, to be *bond fide* engaged or employed in the navigation of such ship or vessel, during the time that such mariner shall be so actually engaged and employed; or to any person whom such master or commander shall certify, in like manner, to have come hither on board of the ship or vessel under his command, for the purpose of trading only, and not with the intent to become an inhabitant of this island.

not to extend to foreign seafaring persons, or to those who come for the purpose of trading only.

VI. Be it nevertheless enacted, and it is hereby declared, That if any master or commander of any ship or vessel, arriving in any port of this island, from any foreign port situated to the southward of the tropic of Cancer, or any mariner engaged or employed in navigating any such ship or vessel, or any person coming hither in any such ship or vessel for the purpose of trading, (in case such master or commander, or such mariner, or such trading person, shall not be a natural-born subject of his majesty,) shall presume to depart from the place where he arrived, to any other place in this island, (unless by virtue of a special permission under the hand and seal of the lieutenant-governor, or of the governor or commander in chief for the time being, or of a general license granted by his majesty's proclamation,) without a passport for that express purpose being first obtained, from the custos or chief magistrate, or some other justice of the peace of the precinct, wherein such place of arrival shall be situated; every such foreign person shall be subject to the pains and penalties, by this act directed to be inflicted on any other person, not being a natural-born subject of his majesty, who shall be found in any part of this island, without a certificate or passport.

Foreigners trading hither under license, are not to travel inland without a passport.

VII. And be it further enacted by the authority aforesaid, That when and so often as his honour the lieutenant-governor, or the commander in chief for the time being, shall think it necessary for the safety or tranquillity of this island, by his proclamation or order in council, to direct that persons not being natural-born subjects of his majesty, of any description therein contained, shall not be landed in this island, or shall not be landed except at such places and under such regulations as shall be in such proclamation or order expressed, then and in every such case, the master or commander of every ship, vessel, or boat, having any such person or persons not being natural-born subjects of his majesty, shall not suffer any such person or persons not being natural-born subjects of his majesty to land within any part of this island, contrary to such proclamation or order in council, unless by the express permission in writing of his honour the lieutenant-governor,

If the governor in council shall direct that aliens of any description shall not be landed, or only at prescribed places, masters offending liable to penalty;

and the vessel
to confisca-
tion.

or the commander in chief for the time being; and every such master or commander, wilfully neglecting to conform to any of the directions or regulations contained in such proclamation or order, shall forfeit the sum of seventy pounds for every person, not being a natural-born subject of his majesty, so landed; to be recovered before one or more of his majesty's justices of the peace; one moiety thereof to be to the informer or informers, and the other moiety to the poor of the parish where such offence shall be committed; and such ship or vessel, from on board of which any such person or persons, not being natural-born subjects of his majesty, shall so land, and every other vessel or boat, used in landing any such person or persons, not being natural-born subjects of his majesty, shall and may be seized by any officer or officers of the customs, or the naval officer or any of his deputies; and the same shall respectively be forfeited, together with all tackle, apparel, ammunition, and furniture, thereunto respectively belonging.

No alien to
depart from
the place of
arrival (ex-
cept for the
purposes
herein speci-
fied) without
a passport, to
be granted on
the condi-
tions herein
mentioned.

VIII. And be it further enacted by the authority aforesaid, That no person not being a natural-born subject of his majesty, so arriving, shall depart from the place in which he or she shall have so arrived, except for the purpose of making such declaration, as herein-before required, to the naval officer or his deputy as aforesaid, or for the purpose of obtaining such passport as is herein-after mentioned, without previously obtaining a passport from the chief magistrate of such parish, or from one justice of the peace for the parish or precinct in which the same may be situated; in which passport shall be expressed the name and rank, occupation or description, of such person not being a natural-born subject of his majesty, as declared by him or her to such naval officer or his deputy as aforesaid, and also the town or place to which such person not being a natural-born subject of his majesty purposes to go: And such chief magistrate or justice is hereby required to give such passport, on application made to him for that purpose, on production of the certificate of his or her declaration as aforesaid; provided that such place, to which such person not being a natural-born subject of his majesty purposes to go, shall not be a place from which such person, not being a natural-born subject of his majesty, is restrained from going to by any such proclamation or order as is herein mentioned; and provided that such person, not being a natural-born subject of his majesty, shall not have landed in this island contrary to any such proclamation or order in council as is herein mentioned.

Aliens arrived
since 1st Janu-
ary, 1792, or
arriving dur-
ing continu-
ance of this
act, desirous

IX. And be it further enacted by the authority aforesaid, That when and so often as any person not being a natural-born subject of his majesty, who shall have arrived in this island since the first day of January, one thousand seven hundred and ninety-two, or who shall arrive therein at any time during the continuance of this act, shall be desirous to change the place of his or her usual residence, or to quit the town or place at which such per-
son

son not being a natural-born subject of his majesty shall have arrived, by virtue of his or her first passport, such person not being a natural-born subject of his majesty shall obtain from the chief magistrate, or any justice of the peace for the parish or precinct in which such person not being a natural-born subject of his majesty shall be resident, a passport; in which shall be expressed the name and description of such person, not being a natural-born subject of his majesty, in the manner herein-before provided, and the name of the place to which such person, not being a natural-born subject of his majesty, shall propose to remove; and such chief magistrate or justice is hereby required to give such passport, on application made to him for that purpose, by such person not being a natural-born subject of his majesty: ~~Provided always,~~ That every such person not being a natural-born subject of his majesty shall, at the time of making such application, exhibit to such magistrate or justice the passport, by virtue of which such person not being a natural-born subject of his majesty arrived in such place, in which he or she shall be resident.

to change their abode, or to quit their place of arrival, must obtain a passport, which shall be given, on exhibiting the documents herein specified.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace of any precinct within this island, to require of any person not being a natural-born subject of his majesty, who shall have arrived in this island after the first day of January, one thousand seven hundred and ninety-two, or shall arrive at any time during the continuance of this act, and who shall be passing through or be found in such place or precinct in this island, to exhibit to such justice his or her passport; which he or she is hereby required to exhibit accordingly, or, in default thereof, and in case it shall appear thereby that such person, not being a natural-born subject of his majesty, is not in his or her way to such place as is therein expressed, and such justice shall see cause to suspect that such person, not being a natural-born subject of his majesty, landed in this island contrary to any such proclamation or order in council as is herein mentioned, such justice may commit such person to the common gaol, or other public prison, or detain such person in such custody as such justice may think proper, until notice thereof be sent by such justice to the commander in chief in this island, (which notice such justice is hereby required forthwith to transmit), and until sufficient time shall have been allowed for the transmission of the orders of the commander in chief thereupon; and unless the commander in chief shall thereupon, within ten days, signify his pleasure that such person not being a natural-born subject of his majesty shall be discharged, or shall direct, in manner herein-after mentioned, that such person not being a natural-born subject of his majesty shall depart from this island, it shall and may be lawful for such justice to cause such person, not being a natural-born subject of his majesty, to be committed to the common gaol, without bail or mainprize, until he or she shall be delivered by due course of law.

Magistrates may require of any alien to exhibit his passport, and in certain cases detain him until the governor's pleasure is known;

and if the governor shall not direct him to be discharged, or to quit the island, may commit him to prison.

Aliens whom
the governor
shall not order
to be dis-
charged, shall
on conviction
be imprison-
ed, &c.

XI. And be it enacted by the authority aforesaid, That every person not being a natural-born subject of his majesty, whom the commander in chief shall not so signify his pleasure to discharge, who shall have refused to exhibit his or her passport, or who shall have been found not *bond fide* proceeding to the place therein expressed, or who shall have wilfully landed in this island contrary to any proclamation or order in council herein mentioned, and who shall be lawfully convicted thereof in his majesty's supreme court of judicature in this island, or any court of assize, shall be adjudged to suffer imprisonment for any time not exceeding one month, and, at the expiration of the said term, to depart out of this island within a time to be limited on such judgment: And if such person not being a natural-born subject of his majesty shall be found therein, after such time in such judgment so limited, without lawful cause, such person shall, being duly convicted, be transported for life.

Penalty on
persons forg-
ing, &c. pass-
ports or certi-
ficates.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any such passport or certificate as are by this act directed, or shall obtain such passport or certificate under any other name or description, than that which he or she shall have declared to such naval officer or his deputy, chief magistrate or justice, as are herein mentioned, or shall falsely pretend to be the person mentioned in such passport or certificate, such person or persons shall, for every such offence, on conviction thereof in his majesty's supreme court of judicature of this island, or any court of assize, be adjudged to be imprisoned, and shall be imprisoned, in the common gaol, for any time not exceeding six calendar months, and, at the expiration of that time, to depart out of this island within a time to be limited by such judgment; and if such person or persons be found therein after such time in such judgment so limited, without lawful cause, he or she shall, being duly convicted, be transported for life.

Aliens not
departing this
island, when
ordered by
the governor's
proclamation,
may be com-
mitted to gaol.

XIII. And be it further enacted by the authority aforesaid, That when and so often as the governor or commander in chief of this island for the time being shall, by his proclamation, or order under his hand and seal, direct that any person not being a natural-born subject of his majesty, already arrived, or who shall hereafter arrive, within this island, during the continuance of this act, shall depart this island within a time limited in such proclamation or orders respectively, and any person not being a natural-born subject of his majesty, as aforesaid, who shall knowingly neglect or refuse to pay due obedience to such proclamation or orders respectively, or shall be found in this island contrary to such proclamation or orders, as the case may be, it shall and may be lawful for any justice of the peace, or any chief magistrate as aforesaid, to cause every such person, not being a natural-born subject of his majesty as aforesaid, so neglecting or refusing as aforesaid, to be arrested, and to be committed to the common gaol of the parish or precinct,

cinet, there-to remain, without bail or mainprife, until he or she shall be delivered by due course of law.

XIV. And be it further enacted by the authority aforesaid, That every such person not being a natural-born subject of his majesty, so disobeying, or knowingly neglecting to pay due obedience to, such proclamation or orders respectively, or being found in this island contrary to such proclamation or orders respectively, who shall be lawfully convicted thereof in his majesty's supreme court of judicature, or any of the courts of assize in this island, shall be adjudged to suffer imprisonment for any time not exceeding one month, and, at the expiration of the said term, to depart out of this island within a time to be limited by such judgment: And if such person, not being a natural-born subject of his majesty, shall be found therein after such time in such judgment so limited, without lawful cause, such person not being a natural-born subject of his majesty shall, being duly convicted, be transported for life.

Penalty on
aliens dis-
obeying pro-
clamations.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the governor or commander in chief of this island for the time being, in cases where he shall apprehend that immediate obedience will not be paid to such proclamation or orders respectively, as aforesaid, by warrant under his hand and seal, to give such person, not being a natural-born subject of his majesty, in charge to such person or persons to whom he shall think proper to direct such warrant, in order to his or her being conducted out of this island: And that in case any excuse shall be alledged by any such person, not being a natural-born subject of his majesty, for not complying with such proclamation or orders respectively, it shall and may be lawful for his majesty's privy-council in this island, to judge of the validity of such excuse, and to allow or disallow the same; and such person, not being a natural-born subject of his majesty, shall remain in the custody of such person or persons as aforesaid, until his majesty's privy-council in this island shall have signified their determination thereupon.

Governor
may grant
warrants, to
conduct out
of this island
aliens he shall
apprehend
will not obey
proclama-
tions, &c.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor or commander in chief, by his proclamation, to order and direct any person or persons, not being natural-born subjects of his majesty, who shall have arrived within this island since the first day of January, one thousand seven hundred and ninety-two, or who shall arrive therein during the continuance of this act, other than such as shall have had letters-patent of denization, to dwell and reside respectively in such district or districts, as the governor or commander in chief of this island for the time being shall think necessary for the public security: And if any such person not being a natural-born subject of his majesty, except as herein-before excepted, being so ordered and directed, shall dwell, or shall

Governor
may order
any alien, ar-
rived since
January 1,
1792, or ar-
riving during
the continu-
ance of this
act, to reside
in such district
as he shall
think proper.

Penalty for
disobedience.

be found to be or have been, in any part of this island other than such district or districts as aforesaid, in breach of such proclamation or orders respectively, it shall and may be lawful for any justice of the peace, or any chief magistrate as aforesaid, to cause such person not being a natural-born subject of his majesty to be arrested; and if it shall appear to such justice or chief magistrate as aforesaid, that such person, not being a natural-born subject of his majesty, did knowingly and wilfully depart out of such district or districts, in breach of such proclamation or orders respectively, such person not being a natural-born subject of his majesty shall be committed to the common gaol, there to be detained, without bail or mainprize, until he or she shall be delivered by due course of law: And if any such person not being a natural-born subject of his majesty, except as herein-before excepted, shall be duly convicted in his majesty's supreme court of judicature, or any of the courts of assize in this island, of knowingly and wilfully dwelling or residing, or being found to be or having been, in any place in this island, in breach of such proclamation or orders respectively, as aforesaid, he or she shall be adjudged to be imprisoned, and shall be imprisoned, for any time not exceeding one month; and at the expiration of such imprisonment, he or she shall be transported for life.

Magistrates
may require
of housekeep-
ers an account
of the names,
&c. of aliens,
residing with
them, &c.

Penalty on
housekeepers
for neglect.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace, or chief magistrate as aforesaid, by notice in writing under their hands respectively, to be left at the dwelling-house of any housekeeper, within the precinct or place in and for which such justice or chief magistrate shall act, to require of such housekeeper an account in writing, within a time to be limited in such notice, to be subscribed with the name of such housekeeper, of the names, rank, and occupation, of all such persons not being natural-born subjects of his majesty as may be resident in his or her dwelling-house, as far as the same shall have come to his or her knowledge, together with the length of time during which such persons, not being natural-born subjects of his majesty, shall have been so resident in his or her dwelling-house; or if no such person shall be resident therein, then in like manner he or she shall certify the same: And if any such housekeeper shall neglect or refuse to return such account or certificate as is hereby required, or shall return a false account or certificate, every such housekeeper, being lawfully convicted thereof, by his or her confession, or on the oaths of one or more credible witness or witnesses, shall forfeit and pay the sum of seventy pounds for every such person, not being a natural-born subject of his majesty, who shall be proved to have been a lodger or inmate in such dwelling-house as aforesaid, either at the time when such notice as aforesaid was left at his or her dwelling-house, or at the time of returning such account or certificate, and whom he or she shall have wilfully neglected to return in such account; and in case there shall be or have been no such person as aforesaid, in his or her dwelling-house at such times respectively, shall forfeit and pay the sum of ten pounds; to

be

be recovered in manner aforesaid; one moiety of such penalties respectively to be to the informer or informers, and the other moiety to the poor of the parish or place in which such dwelling-house shall be situate.

Application
of penalty.

XVIII. And be it further enacted by the authority aforesaid, That every such naval officer or his deputy, magistrate or justice, as aforesaid, shall, with all convenient speed, transmit to the governor or commander in chief of this island, copies of all such accounts in writing as shall be delivered to such naval officer or his deputy, magistrate or justice, by virtue of this act, and also of all such passports and certificates as shall be issued by such magistrate or justice by virtue of this act, keeping such accounts, passports, and certificates, as far as may be, from being made public.

Copies of accounts delivered to naval officer, &c. and of passports and certificates granted by magistrates, to be transmitted to the governor.

XIX. Provided always, and be it further enacted by the authority aforesaid, That in every case in which power is given by this act to commit any person, not being a natural-born subject of his majesty, to the common gaol, without bail or mainprize, until delivered by due course of law, it shall and may be lawful to and for any of the judges of the supreme court or courts of assize in this island, (if, upon application made, he shall see sufficient cause to presume that such person is not within the description limited by this act, in the different cases herein mentioned,) to admit such person to bail, he or she giving sufficient security for his or her appearance to answer the matters alledged against him or her.

Judges of the grand court, or justices of assize, may admit aliens to bail.

XX. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace, to admit any such person not being a natural-born subject of his majesty to bail, who shall have been committed by virtue of this act, such justice being authorized so to do by warrant of the governor or commander in chief of this island for that purpose, specifying the security to be taken by such justice.

as may also any justice, by authority of the governor.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two justices of the peace, or any chief magistrate as aforesaid, by warrant under their hands and seals, to cause any houses rented or occupied by any person, not being a natural-born subject of his majesty as aforesaid, and also any house in which such person, not being a natural-born subject of his majesty as aforesaid, shall be a lodger or inmate, (such lodger or inmate not having had letters-patent of denization,) resident in such house, to be searched, in the presence of a peace officer, in order to discover whether any weapons, arms, gunpowder, or ammunition, be therein, and to cause to be seized all such weapons, arms, gunpowder, and ammunition, as shall be therein found, belonging to such person not being a natural-born subject as aforesaid, or being for and at his use; and such weapons, arms, gunpowder, and ammunition, shall be at the disposal of the governor or commander in chief of this island.

Any two justices, or any chief magistrate, may grant warrants for searching the houses of aliens, &c. for weapons, &c.

and may re-
quire from
housekeepers
where aliens
shall lodge, an
account of
weapons, &c.
therein, &c.

Penalty for
neglect, or
for returning
a false ac-
count, &c.

How penal-
ties are to be
recovered
and applied.

Governor
may send out
of this island
any alien
committed to
gaol, &c.

and if he re-
turn and be
found therein
he shall be ad-
judged to be
transported
for life.

In all ques-
tions respect-
ing offences

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such justice or chief magistrate, as aforesaid, to require [of] any housekeeper in whose dwelling-house any person, not being a natural-born subject of his majesty as aforesaid, shall be a lodger or inmate, by notice in writing under their hands and seals, to be left at such dwelling-house, an account in writing, to be subscribed with the name of such housekeeper, of all weapons, arms, gunpowder, or ammunition, which shall be in such dwelling-house, for or at the use or disposal of such person not being a natural-born subject as aforesaid, within the time to be limited in such notice; or a certificate, to be subscribed in the like manner, that none of the articles aforesaid are therein to be found, as the case may be: And that any housekeeper neglecting or refusing to return such account as aforesaid, or who knowingly shall either return a false account of the particulars aforesaid, or falsely certify that none of the particulars aforesaid are therein, shall forfeit and pay the sum of one hundred and forty pounds; and if he or she shall neglect or refuse to make such certificate as aforesaid, although none of the particulars aforesaid be therein, he or she shall forfeit and pay the sum of ten pounds: Such penalties to be respectively recovered before any one or more justice or justices of the peace, on the oath of one or more credible witness or witnesses; one moiety thereof respectively shall be to the informer or informers, and the other moiety to the poor of the parish in which such dwelling-house shall be situate.

XXIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor or commander in chief of this island, for the time being, whenever he shall deem it necessary for the public safety, to send off this island any person not being a natural-born subject as aforesaid, who shall have been committed to any gaol by warrant under the hands and seals of any justice of the peace or chief magistrate as aforesaid respectively, in manner herein mentioned, or who shall be imprisoned in execution of any sentence passed upon such person, not being a natural-born subject of his majesty as aforesaid, for any offence against this act, or who shall have been admitted to bail.

XXIV. And be it further enacted by the authority aforesaid, That if any person not being a natural-born subject of his majesty, sent off this island by command of the governor or commander in chief of this island for the time being, shall return, and be found at large within this island, every such person not being a natural-born subject of his majesty shall, on conviction thereof in his majesty's supreme court of judicature, or any of the courts of assize in this island, be adjudged to be transported for life.

XXV. And be it further enacted by the authority aforesaid, That in all cases concerning the execution of this act, when any question shall arise whether any person is or is not a natural-born subject, not having obtained letters

Letters-patent of denization, or whether such person, not being a natural-born subject of his majesty, did or did not arrive in this island on or before the first day of January, one thousand seven hundred and ninety-two, or did or did not reside therein for seven years continually previous to the passing of this act, the proof of being a natural-born subject of his majesty, his heirs and successors, or of being a denizen by letters-patent, or having arrived in this island on or before the first day of January, one thousand seven hundred and ninety-two, or of having continually been resident in this island for seven years previous to the passing of this act, shall lie upon the person touching whom such question shall arise.

against this act, the proof to lie on the party accused.

XXVI. And be it further enacted by the authority aforesaid, That the sum of ten shillings shall be paid for each certificate granted by the naval officer or his deputy, under this act, by the person in whose name the same is given; and the naval officer, or his deputy, is hereby required to make return of each such certificate, to the lieutenant-governor or commander in chief of this island for the time being.

Fees for certificates to be paid by aliens.

XXVII. And be it further enacted by the authority aforesaid, That if any passport or certificate, issued to any person not being a natural-born subject of his majesty by virtue of this act, shall be lost, mislaid, or destroyed, and such person not being a natural-born subject as aforesaid shall produce, to one of his majesty's justices of the peace, from the office of the governor or commander in chief of this island for the time being, a copy of the passport or certificate so lost, mislaid, or destroyed, and shall make it appear, to the satisfaction of such justice, that he or she is the person named in such passport or certificate, and that the same has been lost, mislaid, or destroyed, without his or her wilful neglect or default, it shall and may be lawful for such justice, and he is hereby required, to grant unto such person not being a natural-born subject as aforesaid, a fresh passport or certificate, which shall be of the like force and effect as the passport or certificate so lost, mislaid, or destroyed.

Fresh passports or certificates may be granted for lost ones, &c.

XXVIII. And be it further enacted by the authority aforesaid, That in all cases in which any person shall be adjudged to be transported, the transportation shall be adjudged to be, and shall be, to such place or places as the governor or commander in chief of this island for the time being, with the advice of his privy-council, shall direct or appoint.

Persons adjudged to be transported, to be sent to such places as governor and council shall appoint.

XXIX. And be it further enacted by the authority aforesaid, That in case any person ordered or adjudged to be transported, shall be found at large within this island after sentence of transportation pronounced, he shall be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Persons ordered to be transported, to suffer death if afterwards found within this island.

XXX. And

Penalties may
be levied by
distress.

Parties ag-
grieved may
appeal to the
quarter-
sessions.

No writ of
certiorari to
be allowed.

XXX. And be it further enacted, That it shall and may be lawful for any justice or justices of the peace, before whom any pecuniary penalties shall be recovered in pursuance of this act, in case the same shall not be forthwith paid, to award and issue warrants of distress respectively, for levying of such pecuniary penalties upon the goods and chattels of any offender or offenders, and to cause sale to be made of such goods and chattels, if they shall not be redeemed within fourteen days, rendering to such offender or offenders the overplus (if any there be); and, for want of such sufficient distress, to imprison the party offending, till satisfaction be made: And if either party thinks him or themselves aggrieved by any judgment or order, to be given or made by any justice of the peace acting in pursuance of this act, touching any pecuniary penalty relating to the same, it shall and may be lawful, to and for such person or persons to appeal from the same, to the justices assembled at the next quarter-sessions, to be holden for the parish or precinct where such judgment or order shall have been made, who shall finally determine the same, and no writ of *certiorari* shall be allowed to remove the proceedings of the said justices, touching the pecuniary penalties aforesaid.

Parties ap-
pealing to give
six days pre-
vious notice.

Justices in
session may
award costs.

If there be
not six days
between the
order of the
justice and the
next session,
the appeal
may be made
at the second.

XXXI. ~~Provided always~~, and it is hereby enacted by the authority aforesaid, That the party or parties so appealing as aforesaid shall give notice in writing, by the space of six days next before such session shall be holden as aforesaid, unto the other party or parties, of his, her, or their intention to bring such appeal; and it shall and may be lawful to and for such justices so assembled, to award costs to either party, as they shall in their discretion think fit, to be levied by warrant of the said justices, or any two or more of them, on the goods and chattels of the party or parties against whom the same shall be awarded: ~~Provided also~~, That in case there be not the space of six days, between the first judgment or order of any justice or justices and the quarter-sessions then next following, that then such appeal may be made at the second quarter-session after such judgment or order made.

Limitation of
actions.

General issue.

XXXII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted, for any thing by him or them done or executed in pursuance of or by colour of this act, or of any matter or thing herein contained, such action or prosecution shall be commenced within the space of six months next after the offence shall have been committed; and such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence: And if upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his or their suit or prosecution, or if judgment be given for the defendant or defendants, upon demurrer or otherwise, such defendant or defendants

defendants shall have double costs, to him or them to be awarded against the plaintiff or plaintiffs. Double costs.

XXXIII. Provided also, and be it further enacted by the authority aforesaid, That the inhabitants of any parish or precinct in this island shall be deemed and taken to be competent witnesses, for the purpose of proving the commission of any offence against this act, within the limits of such parish or precinct, notwithstanding any part of the penalty, incurred by such offence, is given or applicable to the poor of such parish or precinct. Parishioners may be witnesses, though part of the penalty be given to the poor of the parish.

XXXIV. And be it further enacted by the authority aforesaid, That in case the naval officer, or any of his deputies, shall neglect or refuse to perform his or their duty, in any thing by this act directed to be by them, or any of them, done and performed, such naval officer, or such deputy, so neglecting or refusing to perform his duty, shall forfeit the sum of one hundred pounds for every such offence, to be recovered in the supreme court of judicature, or any of the assize-courts of this island; one moiety of which penalty shall be to the use of his majesty, his heirs and successors, for and towards the support of the government of this island, and the other moiety to the person suing for the same. Penalty on naval officer, and his deputies, for neglect of duty.

XXXV. Provided, That nothing in this act contained shall extend, or be construed to extend, to affect persons who have been or shall be naturalized, under or by virtue of any act of parliament of Great-Britain, or have had letters-patent of denization granted them. Persons naturalized by act of parliament, &c. not affected by this act.

XXXVI. And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the passing thereof, until the thirty-first day of December, which will be in the year one thousand eight hundred, and no longer. This act will expire 31st December, 1800.

C A P. XXXI.

An act to amend an act entitled, "An act for laying a duty on all negro slaves, that shall be imported into this island from the coast of Africa, who shall be above a certain age; and for regulating the manner of ascertaining such age."—[14th March, 1799.]

WH E R E A S doubts and difficulties have arisen, in carrying into execution an act, passed in the year of our Lord one thousand seven hundred and ninety-seven, entitled, *An act for laying a duty on all negro slaves, that shall be imported into this island from the coast of Africa, who shall be above a certain age; and for regulating the manner of ascertaining* Preamble. 38 Geo III. cap. 18, requiring to be amended; such

appointment
of inspectors
for Kingston
declared to
extend to the
ports in Port-
Royal, St.
Catherine,
and St. An-
drew.

This act to be
in force until
31st Decem-
ber, 1801.

such age: For remedy whereof, We, your majesty's dutiful and loyal subjects, the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica, humbly beseech your majesty that it may be enacted and declared; Be it therefore enacted and declared by the authority of the same, That the appointment of inspectors, by the said recited act, for the parishes of Port-Royal and St. Catherine, shall, from and after the passing of this act, cease and determine; and, that the five inspectors appointed, or to be appointed, for the parish of Kingston, shall be the sole inspectors for the ports in the several parishes of Port-Royal, St. Catherine, and St. Andrew; any thing in the above recited act to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the passing thereof, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

C A P. XXXII.

An act for annulling so much of an act of this island, of the twenty-first of George the second, chapter the sixth, as gives power to the bishop of London to exercise ordinary jurisdiction in this island, as far as the same appertains to the ecclesiastical regimen of the clergy only; and for repealing the eleventh clause of one other act of this island, of the thirty-third of Charles the second, chapter the eighteenth.

[14th March, 1799.]

Preamble.

St. Geo. II.
cap. 6.

Authority
having been
therein given
to bishop of
London, to
exercise juris-
diction over
the clergy in
this island,
which has ne-
ver been
done; and
his majesty
having ac-
cepted the re-

WHEREAS, in and by a certain act of this island, passed in the twenty-first year of the reign of your majesty's royal predecessor, his late majesty king George the second, of blessed memory, entitled, *An act for regulating and settling the livings of the clergy, and ascertaining the same; and giving the bishop of London ecclesiastical jurisdiction over them*, authority is given to the bishop of London, to exercise ordinary jurisdiction in this island, as far as the same appertains to the ecclesiastical regimen of the clergy only: And whereas the authority and jurisdiction so given and granted to the bishop of London hath not, at any time or times, been accepted or exercised by any diocesan of that see: And whereas it will tend greatly to the advancement of moral and ecclesiastical discipline, if a competent jurisdiction were established, within this your majesty's island, over the ecclesiastical regimen of the clergy: And whereas, at the humble suit of the council and the assembly of this island, your majesty has graciously been pleased to signify your royal will and pleasure to accept the resumption, as supreme head of the church of England, of jurisdiction over the ecclesiastical

astical regimen of the clergy of this island, the same to be exercised by persons resident within the island, to be appointed by instrument under your royal sign manual: To effect, therefore, such your majesty's most gracious condescension, We, your majesty's dutiful and loyal subjects, the lieutenant-governor, council, and assembly, of this your majesty's said island, humbly beseech your most excellent majesty that it may be enacted; Be it therefore enacted by the authority of the same, That, for and notwithstanding any thing contained in the herein-before recited act, the exercise of jurisdiction, over the ecclesiastical regimen of the clergy of this island, shall be vested in your majesty, your heirs and successors, the same to be exercised by persons resident within the island, to be appointed by your majesty, your heirs and successors, by instrument under the royal sign manual: And it is hereby declared, that so much, and such part, of the said recited act, as gives power to the bishop of London to exercise ordinary jurisdiction in this island, as far as the same appertains to the ecclesiastical regimen of the clergy, shall be, and is hereby, annulled, repealed, and made void.

sumption thereof, to be delegated to persons resident here:

For this purpose, such jurisdiction vested in his majesty,

and so much of said act as gives it to bishop of London, repealed.

II. And it is hereby further enacted, That the eleventh clause contained in the act of this island, of the thirty-third of Charles the second, chapter the eighteenth, shall be and stand repealed and annulled, to all intents and purposes whatsoever; any law, custom, or usage, to the contrary in anywise notwithstanding.

Eleventh clause of 33. Car. II cap. 18, repealed.

C A P. XXXIII.

An act to repeal two several acts, one passed on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-six, entitled, "An act to enable certain commissioners therein named, to raise several sums of money for the public service; and for other purposes;" and the other passed the twenty-first day of December, in the said year one thousand seven hundred and ninety-six, entitled, "An act to alter and amend an act entitled, 'An act to enable certain commissioners therein named, to raise several sums of money for the public service; and for other purposes;' and to enable certain commissioners therein named, to raise certain sums of money for the public service, at an interest not exceeding eight pounds per centum, in order to pay off and discharge the public certificates, now due and outstanding, bearing interest at ten pounds per centum.—[14th March, 1799.]

Preamble.

36 Geo. III.
cap. 22.

37 Geo. III.
cap. 16.

Money to be
borrowed at
eight per cent.
to pay off cer-
tificates gran-
ted under the
above acts;

WHEREAS in pursuance of two several acts, passed the one on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-six, entitled, *An act to enable certain commissioners therein named, to raise several sums of money for the public service; and for other purposes;* and the other, passed on the twenty-first day of December, in the said year one thousand seven hundred and ninety-six, entitled, *An act to alter and amend an act entitled, "An act to enable certain commissioners therein named, to raise several sums of money for the public service; and for other purposes;"* considerable sums have been borrowed, at sundry times, by the commissioners under the said recited acts, to the amount, in the whole, of three hundred and seventy-five thousand pounds; for securing the payment whereof, certificates have been granted, bearing an interest of ten pounds *per centum*, which certificates were made payable at different periods; And whereas, it is advisable to call in and pay off such of the said certificates, as have already become due and payable, and to call in and pay off the remainder of them, according as they shall hereafter become payable; and, for that purpose, to borrow several sums of money, provided the same can be procured at an interest not exceeding eight pounds *per centum*: Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, That the said two several before recited

recited acts be, and they are hereby, respectively declared to be and stand repealed, to all intents and purposes whatsoever; any thing in either of the said two several before-recited acts, or any law, custom, or usage, to the contrary notwithstanding.

which are
hereby re-
pealed.

II. And be it further enacted by the authority aforesaid, That the receiver-general for the time being shall be, and he is hereby, empowered and required to discharge and pay off all and every sum and sums of money, which shall or may be due and owing, for principal and interest, on each and every of the certificate and certificates, granted under the authority of the said recited acts, at such time and times as such certificate or certificates shall become due and payable, or when he shall be so required by the commissioners appointed by law, to inspect the books of the receiver-general, and to adjust and settle the public accounts, after the said certificates shall have become due; and to receive the same as a cash payment, at all times, whenever they shall be so tendered.

Receiver-general to pay off 10 *per cent.* certificates, as they become due; and to receive them as cash payments.

III. And be it enacted by the authority aforesaid, That the members of the assembly of this island, or the members of the assembly for the time being, shall be, and they are hereby appointed, commissioners for the purposes of this act.

Members of assembly, appointed commissioners;

IV. And, the said commissioners, or any seven or more of them, are hereby authorized and empowered to enter into treaty, and to contract for a loan or loans of money, with such person or persons as they shall think fit, upon the most moderate and advantageous terms for the benefit of the country, which they shall find practicable: For which purpose, it is hereby enacted, That the said commissioners shall have full power and authority, to grant such premium or addition to the lawful interest, as may be necessary, and they shall think advisable and proper, not exceeding eight pounds *per centum per annum*, in the whole; and to make such conditions and agreements respecting the same, as they shall think fit: Provided always, That the number of the said commissioners shall not be less than seven to form a board, for carrying into execution the purposes aforesaid.

seven of whom may contract for loans.

They may grant premiums not exceeding 8 *per cent.* in the whole; and make conditions, &c. if seven be present.

V. And be it enacted, That public notice shall be given, in the Royal Gazette, for fourteen days previous to any meeting of the said commissioners.

Fourteen days public notice must be given of meeting.

VI. And be it also enacted, That all certificates which shall be issued, for securing the sums so to be borrowed, shall be signed by the receiver-general, and five of the said commissioners; and the monies so borrowed shall be paid to the said receiver-general, previous to the delivery of the same.

Certificates to be signed by receiver-general and five commissioners, &c.

Receiver-general to have one-half per cent. commission on monies redeemed.

VII. And be it further enacted by the authority aforesaid, That the receiver-general for the time being shall have and receive, for his trouble and responsibility in carrying into execution the purposes of this act, at and after the rate of ten shillings *per centum*, and no more, on the whole, or such part of the said sum of three hundred and seventy-five thousand pounds, as may be redeemed; any law, custom, or usage, to the contrary in anywise notwithstanding.

He is to give bond in 50,000*l.* before he acts.

VIII. And be it further enacted, That the receiver-general, before he receives or pays any of the monies to arise by virtue of this act, shall, under the penalty of five hundred pounds, enter into bond, with good and sufficient security, to the satisfaction of the commissioners appointed by law for stating and settling the public accounts, in the secretary's office of this island, to our sovereign lord the king, his heirs and successors, in the sum of fifty thousand pounds, current money of Jamaica; conditioned, that he, his heirs, executors, or administrators, shall render and give to any assembly when sitting, or to the said commissioners of public accounts, a just and true account of all monies to be by him received or paid, in pursuance of this act, when thereunto required.

C A P. XXXIV.

An act to repeal part of an act entitled, "An act for making Kingston a parish;" and for ascertaining and fixing the boundaries of the said parish of Kingston, and for granting compensation to the parish of St. Andrew.

[14th March, 1799.]

Preamble.

5 *Gul. & Mar.*
cap. 3,

not being sufficiently explicit, to prevent disputes, between the parishes of Kingston and St. Andrew;

so much thereof as describes the boundaries of

WH E R E A S an act of the governor, council, and assembly of this island, passed in the year of our Lord one thousand six hundred and ninety-three, entitled, *An act for making Kingston a parish*, hath not fully answered the purposes for which the said act was intended, disputes and controversies having arisen, between the said parish of Kingston and the parish of St. Andrew, touching and concerning the westerly and northerly boundary of the parish of Kingston, as described by the said recited act: And whereas, in order to put an end to, and to prevent, all disputes and controversies hereafter, it is highly expedient and necessary to ascertain the real boundary thereof, and to fix a true and equitable boundary between the said two parishes: Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica; and it is hereby enacted and ordained by the authority of the same, That so much and such part of the said act, passed in the year of our Lord one thousand six hundred and ninety-three, as directs and describes the

the boundaries of the said parish of Kingston, shall be and stand repealed, annulled, and made void, to all intents and purposes whatsoever.

Kingston parish repealed.

II. And be it further enacted by the authority aforesaid, That the boundaries of the said parish are, and shall, from and after the passing of this act, be considered, deemed, and taken to be, as described and laid down within the line shaded with yellow, in the plat or diagram hereunto annexed; which said line, shaded with yellow, in the said plat or diagram* hereunto annexed, shall, for ever hereafter, be taken and esteemed as the dividing-line between the said parishes of Kingston and St. Andrew; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

Boundaries ascertained by a diagram.

* Lodged, with the records, in the secretary's office.

III. And whereas the said boundaries, as described and laid down by the plat or diagram hereto annexed, will include certain lands heretofore in dispute between the said parishes, and which said lands have lately, by a verdict of the supreme court of judicature of this island, been determined to be in the parish of St. Andrew: And whereas the parish of St. Andrew may thereby be deprived of part of their parochial revenue: In order, therefore, to make a just and equitable compensation for any loss, damage, or injury, which the said parish of St. Andrew may suffer or sustain, by reason or means thereof, Be it therefore further enacted by the authority aforesaid, That Kean Osborn, William Jackson, Simon Taylor, William Mitchell, Lewis Cuthbert, Peter Francklyn, Fairlie Christie, Andrew Deans, and Robert Telfer, esquires, be, and they are hereby appointed, commissioners for the purpose of inquiring into the losses, damages, or injuries, which the said parish of St. Andrew may suffer or sustain, by reason hereof; and the said commissioners, or any five or more of them, are hereby authorized, empowered, and required, to meet at the court-house, or at any other public and convenient place, in the town of Kingston, (public notice being first given in the Royal Gazette, or any other of the public news-papers, of the day appointed, fourteen days at least before such intended meeting) in order to receive such information as the justices and vestry of the said respective parishes may think proper to offer: And the said commissioners, or any five or more of them, are then and there to consider of the losses, damages, or injuries, which the said parish of St. Andrew may suffer or sustain, by reason or means of this act, or any thing herein contained: And the said commissioners, or any five or more of them, are hereby required, within fourteen days after such their meeting, according to the notice aforesaid, and after duly considering and inquiring into the losses, damages, or injuries aforesaid, to deliver, in writing, under their hands and seals, or under the hands and seals of the majority of the commissioners who shall be present at the meeting, into the respective offices of the clerk of the vestry of the parish of Kingston, and the clerk of the vestry of the parish of St. Andrew, their opinion of the compensation which the parish

By said diagram certain lands in dispute come within the parish of Kingston, for which compensation is to be made to parish of St. Andrew.

Commissioners appointed to inquire into the same.

Fourteen days public notice to be given of their meeting:

Five must be present, and in fourteen days after meeting, a return must be made into the offices of the clerks of the vestry of both parishes, of the compensation to be made.

of

of St. Andrew justly and reasonably ought to receive, for such losses, damages, or injuries, which they may suffer or sustain by reason of this act.

Compensation awarded must be made in three months, out of Kingston parochial funds, and if refused, on tender thereof, proof being made, to bar future claims from St. Andrew's.

IV. And be it enacted by the authority aforesaid, That the justices and vestry of the parish of Kingston shall, and they are hereby authorized and empowered, within three months after the commissioners shall have delivered their opinion, in manner aforesaid, make such compensation, out of their parochial funds, to the justices and vestry of the parish of St. Andrew, for any such their losses, damages, and injuries: And, if the justices and vestry of the said parish of St. Andrew shall refuse to receive such compensation, upon tender thereof by the justices and vestry of Kingston, or some person for them, and upon proof of such tender, on oath, before a judge of the supreme court of judicature of this island, and recorded in the secretary's office of this island, the same shall be a perpetual bar to all claim of compensation, by the justices and vestry of the parish of St. Andrew, upon the parish of Kingston; any thing herein contained to the contrary thereof, in anywise notwithstanding.

A parochial tax may be levied on Kingston, to make good such compensation.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices and vestry of the said parish of Kingston for the time being, and they are hereby authorized and empowered, by an equal tax on the freeholders and inhabitants of the said parish, to raise and levy any sum or sums of money, requisite and necessary for the purposes in this act mentioned.

Public act.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a public act, and be judicially taken notice of as such, by all judges, justices, and other persons, without specially pleading the same.

C A P.

C A P. XXXV.

An act to rescind, and make void in law, the meaning, force, and construction, of certain words contained in the second [first] clause of an act, passed in one thousand seven hundred and ninety-eight, entitled, "An act to amend an act entitled, 'An act to regulate wharfage and storage,' so far as the said act relates to the public wharves in the county of Cornwall"—[14th March, 1799.]

WH E R E A S, in the second [first] clause of an act of the lieutenant-governor, council, and assembly, of this your majesty's island of Jamaica, passed on the twenty-first day of December, one thousand seven hundred and ninety-eight, entitled, *An act to amend an act entitled, "An act to regulate wharfage and storage," so far as the said act relates to the public wharves in the county of Cornwall*, the following words were, by inadvertence, introduced and inserted, to wit, "for receiving, gauging, storing, and shipping, every puncheon of rum, one shilling and ten pence halfpenny:" And whereas, by reason of the said words having been introduced and inserted into, and making part of, the said act, the proprietors and occupiers of public wharves in the county of Cornwall, instead of being relieved and benefited, as was intended by the legislature, will be injured, and be deprived, in part, of certain emoluments made allowable to them by a former law of this island: For remedy whereof, We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That the herein-before recited words shall be, and they are hereby, rescinded, and made void in law, and shall not, at any time or times hereafter, be admitted to be of, or to convey, any legal meaning, force, or construction whatsoever: And further, that the proprietors or occupiers of public wharves in the county of Cornwall, shall be allowed, and be entitled to charge, ask, demand, and take, for receiving, gauging, storing, and shipping, every puncheon of rum, the sum of two shillings and six pence; and shall add, to all charges and demands to accrue thereby, a sum at and after the rate of twenty-five pounds *per centum*, for a term of time mentioned in the said recited act; during the continuance of which, the said proprietors or occupiers of public wharves in the county of Cornwall, are allowed the said *per centage* on the rates of wharfage of all other articles; any law, custom, or usage, to the contrary in anywise notwithstanding.

Preamble.

39 Geo. III.
cap. 24.Part of the
rates of
wharfage,
enumerated
in clause 1,
recited,and rescind-
ed; and in
lieu thereof, a
certain other
rate fixed,
with the ad-
ditional *per*
centage allow-
ed by the a-
bove act.

C A P. XXXVI.

An act to repeal an act entitled, "An act for raising three companies of woodmen, to be employed internally, for the defence of this island; and for other purposes."

[14th March, 1799.]

Preamble.

38 Geo. III.
cap. 28,

repealed.

WH E R E A S the raising and establishing a black corps, and arming negroes, otherwise than is directed by the existing laws of this island, is a matter of the most dangerous tendency, and may prove fatal to the welfare of this country: And whereas an act, passed in the year one thousand seven hundred and ninety-eight, entitled, *An act for raising three companies of woodmen, to be employed internally, for the defence of this island, and for other purposes*, is no longer necessary: We, your majesty's most dutiful and loyal subjects, the assembly of Jamaica, do most humbly beseech your majesty that it may be enacted; Be it therefore enacted by the lieutenant-governor, council, and assembly, of this your majesty's said island, and it is hereby enacted and ordained by the authority of the same, That, from and after the passing of this act, every clause, matter, and thing, in the said recited act contained, be and stand, and are hereby, repealed, and made void, to all intents and purposes.

END OF THE THIRD VOLUME.